



TEXAS JUDICIAL REPORT

OFFICE OF COURT ADMINISTRATION TEXAS JUDICIAL COUNCIL

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Legislative Edition – 82nd Legislature

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The 82nd regular and special legislative sessions resulted in a number of new laws of interest to the judiciary. Perhaps the most significant legislation was the court reorganization bill passed during the special session as HB 79. Highlights of HB 79 include:

- Setting the minimum jurisdictional amount of district courts at \$500 and raising the upper jurisdictional limit of all statutory county courts to at least \$200,000;
- Generating uniform provisions relating to all statutory county courts and repealing many provisions specific to statutory county courts in particular counties;
- Discontinuing small claims courts, but bringing the small-claims-court model of handling cases into the justice court provisions of Chapter 27, Government Code;
- Directing the Supreme Court to promulgate rules of civil procedure to ensure the fair, expeditious, and inexpensive resolution of small claims cases;
- Creating general provisions for the appointment, qualification, compensation, termination and powers of “associate judges” while repealing many individual statutes creating masters, referees and magistrates;
- Providing a structure for the receipt of gifts, grants, and donations for court system enhancements and child protection courts;
- Clarifying procedures regarding vexatious litigants; and
- Ordering a study of the feasibility, efficiency, and cost of converting statutory county courts with civil jurisdiction in excess of \$200,000 into district courts;

This report briefly summarizes new legislation directly impacting the Texas court system, judges, clerks, and other judicial actors. No attempt is made to cover substantive areas of the law in detail; other entities are expected to provide legislative updates on substantive legal topics. We hope the report will be a useful resource for the judicial and legal community and all those interested in the administration of justice.

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TABLE OF CONTENTS

Additional Courts	2	Judicial Compensation	18
Appellate Courts	2	Judicial Education	19
Associate Judges.....	3	Judicial Selection and Qualifications	19
Costs, Fees and Collections	3	Juries.....	19
County Clerks	6	Justices of the Peace and Municipal Judges	20
Court Jurisdiction	8	Juvenile Justice.....	22
Court of Criminal Appeals.....	9	Magisterial Duties	23
Court Security and Facilities	9	Office of Court Administration	23
Criminal Law and Procedure	9	Open Records	25
District Clerks.....	12	Other Court Actors	25
Expunctions and Orders of Nondisclosure	14	Probate, Guardianships and Mental Health	26
Family Law.....	14	Protective Orders.....	28
Grand Juries.....	16	Specialty Courts	29
Indigent Defense.....	16	Supreme Court.....	30
Judicial Administration.....	17		

Additional Courts

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Creates the Webb County Court at Law No. 3. The court is created January 1, 2031, or an earlier date determined by the commissioners court. *See* § 25.2421, Gov’t Code.

HB 1889 – Effective 1/1/12.

Creates a municipal court of record in the City of Mesquite. *See* §§ 30.01891 – 30.01895, Gov’t Code. *See also Justices of the Peace and Municipal Judges.*

HB 2330 – Effective 9/1/11.

Creates the Wise County Court at Law No. 2. *See* §§ 25.2511, 25.2512, Gov’t Code.

Appellate Courts

HB 79, Article 2 (First Called Session) – Effective 1/1/12.

Permits appeals from judgments of county-level courts in commercial eviction suits. *See* § 24.007, Property Code.

HB 79, Article 9 (First Called Session) – Effective 1/1/12.

Permits a person found to be a vexatious litigant to appeal the order of a court prohibiting the person from filing new litigation in propria persona in the courts of Texas. Additionally, authorizes a litigant to

challenge by means of an application for a writ of mandamus with the court of appeals, the decision of a local administrative judge denying the litigant special permission to file a litigation. Prohibits the clerk of a court from filing any original proceeding, appeal or other claim presented by a vexatious litigant except for the appeal and application for writ of mandamus mentioned above. Requires the clerk of a court to provide the Office of Court Administration with a copy of any prefiling order issued under Section 11.101 of the Civil Practice and Remedies Code not later than the 30th day after the date the prefiling order is signed. Clerks are currently required to make such a report, but the 30-day directive is new. Requires the Office of Court Administration to post a list of vexatious litigants subject to prefiling orders on the Office’s Internet website. Further directs that, upon the request of a person on the list, the list indicate whether the person has filed an appeal of the prefiling order. *See* §§ 11.101 - 11.104, Civ. Prac. & Rem. Code. *See also County Clerks; District Clerks; Office of Court Administration; Supreme Court.*

HB 79, Article 14 (First Called Session) – Effective 1/1/12.

Updates terminology used in statute on filing fees in the Supreme Court and the courts of appeals. *See* §§ 51.005, 51.207, Gov’t Code. *See also Costs, Fees, Fines and Collections; Supreme Court.*

HB 1781 – Effective 6/17/11.

Requires the Supreme Court, the Court of Criminal Appeals, the intermediate courts of appeals, and OCA to identify obsolete reporting requirements. A report

concerning such requirements is to be submitted to the governor and others by August 1, 2012. *See §§ 2052.401, 2052.402, Gov't Code.* *See also Court of Criminal Appeals; Office of Court Administration; Supreme Court.*

SB 480 – Effective 6/17/11.

Permits defendant to appeal judgment of municipal court of record to the court of appeals even if assessed fine does not exceed \$100. Such an appeal is authorized, however, only if sole issue is constitutionality of statute or ordinance on which defendant's conviction is based. Effectively overrules *Alexander v. State*, 240 S.W.3d 72 (Tex. App. – Austin 2007, no pet.). *See § 30.00027, Gov't Code.* *See also Justices of the Peace and Municipal Judges.*

SB 605 – Effective 9/1/11. (*Filing fee effective 1/1/12.*)

Creates an appellate judicial system for the Eighth Court of Appeals District in El Paso. Requires the commissioners courts of each county in the district to set a \$5 filing fee for each civil suit filed in the county-level courts and district courts in the district. *See § 22.2091, Gov't Code.* *See also Costs, Fees, Fines and Collections.*

Associate Judges

HB 79, Article 6 (First Called Session) – Effective 1/1/12.

Creates new statutory provisions in a new Chapter 54A of the Government Code relating to "criminal associate judges," "civil associate judges," "statutory probate court associate judges," and "associate judges for juvenile matters." The provisions deal with the qualifications, appointment, termination, powers, support staff, and judicial immunity of these associate judges. The provisions detail the types of proceedings that may be referred to the associate judges. Repeals statutes creating the following positions: Montgomery County Magistrate; Nolan County Magistrate; Jefferson County Criminal Law Master; Wichita County Juvenile Court Referee; Dallas County Associate Judge; criminal law hearing officers in certain counties as created under Subchapter I of Chapter 54 of the Government Code; Bexar County Part-Time Juvenile Law Masters; Williamson County Criminal Magistrates; Fort Bend County Civil, Juvenile, and Criminal Law Associate Judges; Bexar County Civil Law Associate Judges; Brazos County Magistrates; Duval County Associate Judges; Harris County Criminal Law Magistrates;

McLennan County Magistrates; Nueces County Criminal Law Magistrates; and Brazoria County Associate Judges. Declares that the persons serving in the positions set out immediately above continue to serve as associate judges under the new Chapter 54A provisions. Authorizes new associate judges to be appointed in a county if the commissioners court authorizes the creation of the position. Adds associate judges, magistrates, masters, referees and hearing officers to the list of officials authorized to administer oaths in Texas. *See new Chapter 54A , Gov't Code.*

HB 79, Article 13 (First Called Session) – Effective 9/28/11.

Adds associate judges appointed under Chapter 201 of the Family Code to the list of judges who qualify for judicial exemptions regarding concealed handgun licensing. *See §§ 411.201, Gov't Code; § 46.15, Penal Code .*

HB 906 – Effective 9/1/11.

Amends appellate procedures for child protection cases, including making final orders subject to procedures for accelerated appeals and requiring that information regarding the appeals process be included in the final order. Also requires Supreme Court to adopt rules related to accelerated disposition of these cases by the appellate courts and requires that an attorney appointed for an indigent parent continue to represent the parent until all appeals are exhausted or the attorney is relieved or replaced by the court. *See §§ 107.013, 107.016, 109.002(a), 263.405(a), (b) and (c), Fam. Code.* *See also Family Law; Supreme Court.*

SB 283 – Effective 6/17/11.

Clarifies that child protection associate judges appointed under Subchapter C, Chapter 201 of the Family Code have jurisdiction over all cases filed under Subtitle E of the Family Code. *See § 201.201(a) and (e), Fam. Code.*

Costs, Fees, Fines and Collections

HB 27 – Effective 9/1/11.

Requires courts to permit a convicted criminal defendant to pay a fine and court costs over time if the defendant is unable to pay immediately. Currently, courts may, but are not required to, offer defendants this option. *See Arts. 42.15, 45.051, Code of Crim. Proc.*

HB 79, Article 12 (First Called Session) – Effective 1/1/12.

Requires an inmate who files any action and who files an affidavit or unsworn declaration of inability to pay costs to file a separate affidavit or declaration containing certain information about certain prior suits brought by the inmate. *See §§ 14.002, 14.004, 14.007, Civ. Prac. & Rem. Code.*

HB 79, Article 14 (First Called Session) – Effective 1/1/12.

Updates terminology used in statute on filing fees in the Supreme Court and the courts of appeals. *See §§ 51.005, 51.207, Gov't Code. See also Appellate Courts; Supreme Court.*

HB 350 – Effective 9/1/11.

Permits judge to require convicted criminal defendant younger than 17 to satisfy fine and court costs by performing community service or attending tutoring. Only applies to convictions for Class C misdemeanors occurring in building or on grounds of secondary school in which defendant is enrolled. *See Art. 45.0492, Code of Crim. Proc. See also Justices of the Peace and Municipal Judges.*

HB 627 – Effective 6/17/11. (*Fee change effective 6/17/11.*)

Changes fee charged for certified copies of records in a district clerk's office from \$1 to "not to exceed \$1." *See § 51.318(b), Gov't Code.*

HB 942 – Effective 9/1/11.

Permits school districts to file civil lawsuits without paying filing fees at the time the suit is filed. *See § 6.004, Civ. Prac. & Rem. Code.*

HB 1426 – Effective 6/17/11.

Adds county commissioners courts that have implemented a collections improvement program to the list of county and district officers authorized to collect criminal court costs. *See Art. 103.003(b-1), Code of Crim. Proc.*

HB 1517 – Effective 9/1/11.

Autorizes counties with a population of less than 5,000 to use fines collected for highway law violations for any purpose approved by the commissioners court. Current law restricts the use of such fine money. Requires certain counties with a population of less than 5,000 to make a report of fine money collected to the Comptroller. *See § 542.402, Transp. Code.*

HB 1964 – Effective 9/1/11.

Authorizes judges to require defendants younger than 17 to discharge fines and costs assessed for conviction of a Class C misdemeanor by performing community service. *See Art. 45.0492, Code of Crim. Proc. See also Justices of the Peace and Municipal Judges.*

HB 2716 – Effective 6/17/11.

Concerns the fee of no more than \$5 collected by county clerks for records management purposes upon the filing of a non-court record. Requires the fee to be deposited in a separate records management and preservation account in the general fund of the county. Additionally, makes some clarifications in regard to the county clerk's records archive fee. *See §§ 118.0216, 118.025, Loc. Gov't Code. See also County Clerks.*

HB 2717 – Effective 6/17/11.

Clarifies acceptable uses of \$1 fee collected by county clerks upon issuing a vital statistics record. *See § 191.0045, Health & Safety Code. See also County Clerks.*

HB 2847 – Effective 9/1/11.

Lists "video teleconferencing systems" as one of the items permitted as a "security item" for purchase with security fund monies. *See Art. 102.017(d-1), Code of Crim. Proc.*

HB 2949 – Effective 9/1/11. (As a practical matter, the changes will be effective 9/28/11 because of SB 1 passed in the special legislative session – see last sentence of this entry.)

Removes from the Collection Improvement Program (CIP) cases in which a defendant has been placed on deferred disposition or has elected to take a driving safety course. Moves the function of auditing compliance with the CIP from the Comptroller to OCA. Gives municipalities 180 days following a written notice of noncompliance to reestablish compliance with the CIP. Municipalities will be allowed to continue to retain a service fee during the 180-day period. The bill made several other changes regarding the CIP but these changes were reversed by SB 1 in the special legislative session. *See Art. 103.0033, Code of Crim. Proc.: § 133.103 Loc. Gov't Code.*

HB 2949 – Effective 9/1/11.

Requires courts to "immediately" notify DPS when no cause exists to continue to deny renewal of person's driver's license. Applies to cases in which person's driver's license was not to be renewed for failure to appear or failure to pay fines and court

costs. *See* § 7706.005(a), Transp. Code. *See also Justices of the Peace and Municipal Judges.*

SB 1, Article 41 (First Called Session) – Effective 9/28/11.

Reverses selected changes to the Collection Improvement Program (CIP) by HB 2949 in the regular legislative session.

SB 1, Article 69 (First Called Session) – Effective 9/28/11.

Abolishes the \$0.15 court cost assessed upon conviction of an offense under Section 545.412 (Child Passenger Safety Seat Offenses). Repeals § 545.412(b-1), Trans. Code. *See also Justices of the Peace and Municipal Judges.*

SB 86 – Effective 6/17/11.

Authorizes all municipalities to contract with county in which municipality is located or with Department of Motor Vehicles to enforce outstanding traffic violation arrest warrants. Currently, only home-rule municipalities may enter into such contracts. Change accomplished by repealing current § 702.002, Transp. Code.

SB 373 – Effective 9/1/11.

Authorizes court clerks to give written approval for the county treasurers to collect court costs and fines. Establishes new time periods for the deposit of collected money with the county treasurer. *See Arts. 103.003, 103.004, Code of Crim. Proc. See also County Clerks; District Clerks.*

SB 469 – Effective 9/1/11.

Directs courts to collect unpaid tolls, administrative fees, and third-party collection service fees from persons convicted of the offense of failing to pay a toll. The foregoing fees are to be collected before fines and court costs are collected. *See* § 366.178, Trans. Code. *See also Justices of the Peace and Municipal Judges.*

SB 543 – Effective 9/1/11.

Prohibits the assessment of filing fees in probate cases wherein the decedent is an “eligible decedent” who died in the “line of duty.” Eligible decedents include peace officers, probation officers, parole officers, jailers, and other similar persons. *See* Section 11B, Probate Code. *See also County Clerks.*

SB 605 – Effective 9/1/11. (*Filing fee effective 1/1/12.*)

Creates an appellate judicial system for the Eighth Court of Appeals District in El Paso. Requires the commissioners courts of each county in the district to

set a \$5 filing fee for each civil suit filed in the county-level courts and district courts in the district. *See* § 22.2091, Gov’t Code. *See also Appellate Courts.*

SB 880 – Effective 9/1/11.

Broadens the set of programs which a community supervision and corrections department (CSCD) can operate. Increases range of monthly administrative fee for participation in non-traditional programs operated by a CSCD such as pre-trial intervention programs. The current range is \$25 to \$40. The new range is \$25 to \$60. The new range is the same as the range paid by probationers in traditional community supervision programs. *See* §§ 76.011, 76.015, Gov’t Code.

SB 953 – Effective 9/1/11.

Increases range of monthly administrative fee for participation in non-traditional programs operated by a CSCD such as pre-trial intervention programs. The current range is \$25 to \$40. The new range is \$25 to \$60. The new range is the same as the range paid by probationers in traditional community supervision programs. *See* § 76.015, Gov’t Code.

SB 1233 – Effective 6/17/11.

Authorizes district clerk to collect up to \$1 per page or part of a page for a certified copy of a record, judgment, order, pleading, or paper on file instead of the current fee of \$1. *See* §§ 51.318, 101.0611, Gov’t Code.

SB 1233 – Effective 6/17/11.

Authorizes commissioners court to permit county or precinct officer who collects fees, fines, court costs, or other charges to accept payment by credit card. Commissioners court may also authorize county or precinct officer to collect and retain a fee for processing a credit card payment. *See* § 132.002, Local Gov’t Code.

SB 1386 – Effective 9/1/11.

Authorizes county tax assessor-collector to refuse to register vehicle owned by person who has failed to appear for criminal proceeding in county. Gives Department of Motor Vehicles (DMV) the same right of refusal. Sets amount of discretionary fee charged for failing to pay fine and court costs by due date or for failure to appear at \$20. The \$20 fee may only be assessed if county has contract to provide certain information to DMV. *See* §§ 502.185, 702.003, Transp. Code. *See also Justices of the Peace and Municipal Judges.*

SB 1489 – Effective 9/1/11.

Maintains the \$5 juvenile case manager fund fee which cities and counties may elect to impose upon conviction of a fine-only misdemeanor. Prohibits cities and counties from assessing the fee if the city or county does not employ a juvenile case manager. *See Art. 102.0174, Code of Crim. Proc.*

SB 1521 – Effective 9/1/11.

Expands permissible uses of municipal court building security fund to include warrant officers and related equipment. *See Art. 102.017, Code of Crim. Proc.* **See also Justices of the Peace and Municipal Judges.**

County Clerks

HB 79, Article 9 (First Called Session) – Effective 1/1/12.

Permits a person found to be a vexatious litigant to appeal the order of a court prohibiting the person from filing new litigation in propria persona in the courts of Texas. Additionally, authorizes a litigant to challenge by means of an application for a writ of mandamus with the court of appeals, the decision of a local administrative judge denying the litigant special permission to file a litigation. Prohibits the clerk of a court from filing any original proceeding, appeal or other claim presented by a vexatious litigant except for the appeal and application for writ of mandamus mentioned above. Requires the clerk of a court to provide the Office of Court Administration with a copy of any prefiling order issued under Section 11.101 of the Civil Practice and Remedies Code not later than the 30th day after the date the prefiling order is signed. Clerks are currently required to make such a report, but the 30-day directive is new. Requires the Office of Court Administration to post a list of vexatious litigants subject to prefiling orders on the Office's Internet website. Further directs that, upon the request of a person on the list, the list indicate whether the person has filed an appeal of the prefiling order. *See §§ 11.101 - 11.104, Civ. Prac. & Rem. Code. See also Appellate Courts; District Clerks; Office of Court Administration; Supreme Court.*

HB 174 – Effective 9/1/11.

Expands the parties to whom a clerk of a court having probate jurisdiction must send an abstract of each application for probate of a will and similar documents. Currently, the only party to whom the clerk must send the abstract is the voter registrar. The new party to whom the clerk must send the

abstract is the secretary of state. *See § 16.001, Election Code.*

HB 174 – Effective 9/1/11.

Expands the parties to whom a court clerk must send a monthly list of persons disqualified from jury service because of citizenship issues. Currently, the only party to whom the clerk must send the list is the voter registrar. The new parties to whom the list must be sent are: (1) the secretary of state; and (2) the county or district attorney, as applicable, for an investigation of whether the person committed an offense under Section 13.007 of the Election Code or other law. *See § 62.113, Gov't Code. See also District Clerks; Juries; Justices of the Peace and Municipal Judges.*

HB 1573 – Effective 9/1/11.

Requires clerk of court that does not provide Internet access to the court's criminal case records to post in a designated place in the courthouse notice of a prospective criminal court docket setting as soon as the court notifies the clerk of the setting. Under current law, the clerk is required to post such notice not less than 48 hours before the docket setting. *See Art. 17.085, Code of Crim. Proc. See also District Clerks; Justices of the Peace and Municipal Judges.*

HB 1658 – Effective 9/1/11.

Directs clerks to refund cash bail bond money, upon the defendant's compliance with the conditions of his or her bond, to any person in the name of whom a receipt was issued. Currently, the cash bail bond money can only be returned to the defendant, regardless of who put up the cash. Also, requires the amount of the cash refunded to be the amount reflected on the face of the receipt. *See Art. 17.02, Code of Crim. Proc. See also District Clerks.*

HB 2124 – Effective 6/17/11.

Requires clerk to inform victim, victim's guardian, or victim's close relative of the release of a criminal defendant who had been acquitted by reason of insanity from a mental hospital. Removes requirement that clerk inform Victim Services Department of TDCJ of such a release. *See Art. 46C.003, Code of Crim. Proc. See also District Clerks.*

HB 2425 – Effective 6/17/11.

Requires a court to give notice to the attorney general of any action in which a party to the litigation files a petition or motion challenging the constitutionality of a Texas statute. The requirement applies only if the attorney general is not a party to or counsel involved

in the litigation. Presumably, the requirement is applicable in both civil and criminal cases. The notice is to include a copy of the petition or motion. Also, the notice is to identify the statute in question and the basis for the challenge. The notice is to be given to the attorney general by certified or registered mail or by e-mail. The e-mail address to be used to give notice is const_claims@oag.state.tx.us. See § 402.010, Gov't Code. *See also District Clerks; Justices of the Peace and Municipal Judges.*

HB 2624 – Effective 9/1/11.

When the respondent is a member of the military, requires court clerks to provide a copy of a protective order to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the respondent is assigned with the intent that the commanding officer will be notified. Requires peace officers investigating family violence to provide written notice to the staff judge advocate or provost marshal, when the suspect is a military member. Requires court clerks to provide written notice of convictions and deferred adjudications related to family violence to the staff judge advocate or provost marshal, when the defendant is a military member. Requires the presentence investigation of a military member who has served in active-duty status to determine whether the defendant may suffer from post-traumatic stress disorder or a traumatic brain injury and to include the defendant's military discharge records and military records. See § 85.042 Fam. Code, Arts. 5.05, 42.0182, 42.12 Code Crim. Proc. *See also District Clerks; Protective Orders.*

HB 2716 – Effective 6/17/11.

Concerns the fee of no more than \$5 collected by county clerks for records management purposes upon the filing of a non-court record. Requires the fee to be deposited in a separate records management and preservation account in the general fund of the county. Additionally, makes some clarifications in regard to the county clerk's records archive fee. See §§ 118.0216, 118.025, Loc. Gov't Code. *See also Costs, Fees, Fines and Collections.*

HB 2717 – Effective 6/17/11.

Expands permissible uses of \$1 fee collected by county clerks upon issuing a vital statistics record. See § 191.0045, Health & Safety Code. *See also Costs, Fees, Fines and Collections.*

HB 2717 – Effective 6/17/11.

Makes change to clerks' continuing education requirements. A clerk now needs to complete one hour of training regarding registry funds and one

hour of training regarding fraudulent court documents only during the first year of every term of office instead of every year. See § 51.605, Gov't Code. *See also District Clerks.*

HB 3674 - Effective 9/1/11.

Permits unsworn declarations to be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. Does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public. See §132.001, Civ. Prac. and Rem. Code. *See also District Clerks.*

SB 220 – Effective 9/1/11.

When issuing a citation stating that an application for guardianship was filed, requires a court clerk to include a statement informing certain persons of their right to notice concerning the guardianship proceedings. Permits a ward *or* proposed ward to retain an attorney instead of accepting representation by an attorney ad litem. In a proceeding to remove a guardian for bad acts, requires the court to appoint a guardian ad litem and an attorney ad litem (or one person in the dual role, unless a conflict exists). See § 111.042(a) Gov't Code, § 32.02451 Human Resources Code, §§ 161.109, 161.111, 161.114 Human Resources Code, §§ 633, 670, 682, 697B, 761 Probate Code. *See also Probate, Guardianships and Mental Health.*

SB 373 – Effective 9/1/11.

Authorizes court clerks to give written approval for the county treasurers to collect court costs and fines. Establishes new time periods for the deposit of collected money with the county treasurer. See Arts. 103.003, 103.004, Code of Crim. Proc. *See also Costs, Fees, Fines and Collections; District Clerks.*

SB 428 – Effective 5/17/11.

Changes the responsibility for mailing a notice of foreign judgment from the clerk to the judgment creditor or judgment creditor's attorney. See § 35.004 Civ. Prac. & Rem. Code. *See also District Clerks.*

SB 543 – Effective 9/1/11.

Prohibits the assessment of filing fees in probate cases wherein the decedent is an "eligible decedent" who died in the "line of duty." Eligible decedents include peace officers, probation officers, parole officers, jailers, and other similar persons. See Section 11B, Probate Code. *See also Costs, Fees, Fines and Collections.*

SB 886 – Effective 9/1/11.

Allows clerks to maintain execution of judgments docket information in an electronic format and provides that any local government record data may be stored electronically in addition to or instead of source documents in paper or other media. *See §30.018, Civ. Prac. & Rem Code. See also District Clerks.*

SB 1233 – Effective 6/17/11.

Authorizes county clerks to accept electronic filings or rerecordings of earmarks, brands, tattoos, electronic devices or other types of marks for which a recording is required. *See § 144.041 Agric. Code.*

Court Jurisdiction

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Sets the minimum jurisdictional amount of a district court in civil cases at \$500. Currently, the minimum jurisdiction is uncertain – the amount is either \$200 or \$500. *See § 24.007, Gov't Code.*

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Creates standard definitions of “criminal law cases and proceedings,” “family law cases and proceedings,” juvenile law cases and proceedings,” and “mental health cases and proceedings” in statutory county courts. Under current law, definitions of these terms can vary from county to county. *See § 25.002, Gov't Code.*

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Raises the maximum jurisdictional amount in civil cases in statutory county courts with a current maximum jurisdictional limit of less than \$200,000 to \$200,000. Does not change the maximum jurisdictional amount of those statutory county courts that currently have a maximum jurisdictional amount of more than \$200,000. *See § 25.003, Gov't Code.*

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Eliminates current jurisdictional provisions in individual statutes creating statutory county courts in favor of general provisions applying to all statutory county courts. *See §§ 25.0102, 25.0132, 25.0202, 25.0212, 25.0222, 25.0302, 25.0312, 25.0362, 25.0482, 25.0632, 25.0732, 25.0733, 25.0862, 25.0962, 25.1033, 25.1042, 25.1072, 25.1142, 25.1182, 25.1312, 25.1542, 25.1652, 25.1762,*

25.1772, 25.1892, 25.1932, 25.2012, 25.2142, 25.2222, 25.2232, 25.2352, 25.2382, 25.2421, 25.2422, 25.2452, 25.2462, 25.2482, 25.2512, Gov't Code.

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Repeals individual statutory provisions regarding particular statutory county courts in favor of new general provisions applicable to all statutory county courts. *See SECTION 4.50 of HB 79 for a listing of the repealed statutes.*

HB 79, Article 5 (First Called Session) – Effective 5/1/13.

Discontinues small claims courts on May 1, 2013. Directs justices of the peace to transfer all cases pending in the small claims court to the justice court immediately before May 1, 2013. Calls for justice courts, beginning May 1, 2013, to conduct justice court proceedings in small claims cases in accordance with new rules of civil procedure promulgated by the Supreme Court. Directs the Supreme Court to promulgate the new rules not later than May 1, 2013. The new rules must define the term “small claims cases.” The new rules must ensure the fair, expeditious, and inexpensive resolution of small claims cases. Other guidelines for the new rules are delineated. Also requires the Supreme Court to promulgate rules providing specific procedures for actions by: (1) an assignee of a claims or other person seeking to bring an action on an assigned claim; (2) a person primarily engaged in the business of lending money at interest; and (3) a collection agency or collection agent. None of the foregoing rules promulgated by the Supreme Court are require that a party in a case be represented by an attorney. Another requirement is that the rules may not be so complex that a reasonable person without legal training would have difficulty understanding or applying the rules. Any committee established by the Supreme Court to recommend the rules to be adopted is required to include justices of the peace. Separate and apart from the foregoing rules, requires the Supreme Court to promulgate rules for eviction proceedings by May 1, 2013. *See §§ 27.060, Chapter 28 Gov't Code. See also Justices of the Peace and Municipal Judges; Supreme Court.*

HB 734 – Effective 9/1/11.

Gives jurisdiction of truancy cases to constitutional county courts in counties with a population of 1.75 million or more. Currently, a constitutional county court in a county with a population of 2 million or more may exercise such jurisdiction. *See §§ 25.093,*

25.094, Educ. Code; § 54.021, Fam. Code; § 26.045(d), Gov't Code.

HB 984 – Effective 5/19/11.

Authorizes neighboring municipalities to enter agreement establishing concurrent jurisdiction of the municipal courts in those municipalities. *See* Art. 4.14, Code of Crim. Proc., § 29.003, Gov't Code. *See also Justices of the Peace and Municipal Judges.*

HB 2936 – Effective 9/1/11.

Provides that the 289th, 379th, 399th, and 437th district courts shall give preference to criminal cases; however, the 399th and 437th district courts already have primary criminal jurisdiction. Also provides that the 386th and 436th shall give preference to juvenile matters and changes the 289th district court's primary preference from Title 2 of the Family Code to juvenile matters. *See* §§ 24.139, 24.466(b), 24.531(b) and 24.580(b), Gov't Code.

HB 3796 – Effective 9/1/11.

Removes Edwards County from the jurisdiction of the 63rd Judicial District and adds it to the jurisdiction of the 198th Judicial District. *See* §§ 24.165 and 24.377, Gov't Code.

Criminal Law and Procedure

HB 253 – Effective 9/1/11.

Lengthens the statute of limitations for the offense of bigamy to ten years from the date of commission, or ten years from the victim's 18th birthday, if the victim the defendant purports to marry is younger than 18 years of age at the time of the offense. In a petition by the Department of Family and Protective Services to remove an alleged perpetrator from the home, adds an additional requirement that the Department state that the parent continuing to reside in the home will monitor the residence and report any attempt by the alleged perpetrator to enter the residence. Elevates the failure to comply with the duties surrounding filing a birth certificate or birth record from a Class C misdemeanor to a Class A misdemeanor. For the offense of bigamy, modifies the existing definition of what constitutes a first degree felony by raising the age of the victim to "16 years or younger;" the existing law was "younger than 16." *See* Art. 12.01 Code Crim. Proc., § 262.1015(b) Fam. Code, § 195.004 Health & Safety Code, § 25.01(e) Penal Code.

HB 371 – Effective 9/1/11.

Prohibits deferred adjudication for most defendants convicted of murder. *See* Art. 42.12, Sec. 5(d), Code of Crim. Proc.

HB 748 - Effective 9/1/11.

Requires the trial court to give credit to the term of a defendant's sentence for time confined in a mental health facility or residential care facility based on incompetency to stand trial. Defendant may not be confined under the commitment for a period of time in excess of the maximum punishment available for the pending charge, except for outpatient treatment program for a misdemeanor charge. At the end of the "maximum restoration period" a mental health facility or outpatient treatment provider shall assess the defendant to determine if a civil commitment proceeding is appropriate. There are some dismissal requirements if defendant's competency is not timely restored. *See* Art. 42.03(2)(a), Art. 46B.009 & Art. 46B.0095, Art. 46B.010 Code of Crim. Proc., § 574.110(b), Health & Safety Code.

HB 1028 – Effective 9/1/11.

Authorizes a convicting court to prohibit a defendant whose sentence includes confinement from contacting the victim or a member of the victim's family during the confinement. Provides that violation of the court's order may result in loss of good conduct time and may be considered by a parole

Court of Criminal Appeals

HB 1781 – Effective 6/17/11.

Requires the Supreme Court, the Court of Criminal Appeals, the intermediate courts of appeals, and OCA to identify obsolete reporting requirements. A report concerning such requirements is to be submitted to the governor and others by August 1, 2012. *See* §§ 2052.401, 2052.402, Gov't Code. *See also Appellate Courts; Office of Court Administration; Supreme Court.*

Court Security and Facilities

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Requires a district court to sit in the county seat for a jury trial in a civil case. Permits a county commissioners court to authorize a district court to sit in any municipality in the county to hear nonjury civil trials and other matters in nonjury civil cases. Requires commissioners courts that make such an authorization to provide suitable facilities for the court in the relevant municipality. *See* § 24.030, Gov't Code.

panel. *See* Arts. 42.24, 42.032, Code of Crim. Proc.; §§ 498.0042, 508.1531, Gov't Code.

HB 1113 – Effective 9/1/11.

Authorizes judges to order the sentencing hearing of defendants convicted of drug offenses to be held at a secondary school under certain conditions. *See* Art. 42.025, Code of Crim. Proc.

HB 1199 – Effective 9/1/11.

Makes a DWI a Class A misdemeanor instead of a Class B misdemeanor if the defendant's blood alcohol concentration level is 0.15 or higher. *See* § 49.04, Penal Code.

HB 1205 – Effective 9/1/11.

Gives certain defendants "time credits" for completing certain conditions of community supervision in state jail felony and third degree felony cases. Relevant conditions of community supervision include earning a high school diploma, completing a parenting class, and paying court costs and fines. *See* Art. 42.12, Sec. 20A, Code of Crim. Proc.

HB 1666 – Effective 09/01/11.

Provides a criminal sanction for impersonating another in an email or on a web page, social network or other internet website, with the intent to harm, defraud, intimidate or threaten any person. *See* §33.07(a), Penal Code.

HB 1994 – Effective 6/17/11.

Creates first offender prostitution program for defendants charged with offenses in which defendant offered or agreed to hire a person to engage in sexual conduct. Requires court, if program is defendant successfully completes program and certain criteria are met, to enter order of nondisclosure as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, Code of Criminal Procedure. *See* Chapter 169, Health and Safety Code and § 103,0291, Gov't Code. *See also Expunctions and Orders of Nondisclosure.*

HB 2014 – Effective 9/1/11.

Adds trafficking of persons and prostitution to list of offenses that affect an individual's ability to receive a TABC license or permit. Adds trafficking of persons and compelling prostitution to the list of offenses that, where the victim is a child and subject to certain other requirements, may justify a defendant being denied bail. Requires the court to order a defendant convicted of trafficking of persons or compelling prostitution when the victim is under 18 years of age to pay restitution for the victim's rehabilitation costs.

Adds trafficking of persons and compelling prostitution to the list of crimes against children that require specific community supervision guidelines. Adds trafficking of persons and compelling prostitution to the list of offenses requiring the victim's age to be tracked in a computerized criminal history system. Requires district courts and county courts at law to report monthly the number of cases filed for trafficking of persons, prostitution, and compelling prostitution to the Office of Court Administration. Elevates soliciting a prostitute to a third degree felony if the person solicited is 14-18 years old and a second degree felony if the person solicited is younger than 14 years of age. Elevates employment of a child in a sexually oriented commercial activity from a Class A misdemeanor to a second degree felony, or a first degree felony if the child is younger than 4 years of age. *See* §§ 11.44(b), 11.46(c), 11.64(a), 61.42(c) Alcoholic Beverage Code, Arts. 17.153(a), 42.0372, 42.12 § 13B(b), 59.01(2), 60.051(g) Code Crim. Proc., § 71.0353, 411.042(b), 508.187(a), 772.006 (e) and (f) Gov't Code, §§ 25.08(c), 43.02(c), 43.251(c) Penal Code. *See also Office of Court Administration.*

HB 2649 – Effective 9/1/11.

Allows a judge to credit a defendant serving time for a state jail felony additional time for each day the defendant diligently participates in an educational, vocational, treatment, or work program. A diligent participation credit may not exceed 1/5 of the amount of time the defendant was originally sentenced. *See* § 15(h), Art. 42.12 Code Crim. Proc.

HB 2725 – Effective 9/1/11.

Modifies procedures relating to the determination of incompetency in criminal cases and competency restoration including shortening the periods allowed for competency restoration while in state hospitals, limiting the number of extensions for restoration, allowing the consideration of additional information in determining the need for or an extension of competency restoration, and encouraging the use of alternate community-based programs when necessary and available. *See* Ch. 46B, Code of Crim. Proc.

HB 2734 – Effective 09/01/11.

Mandates a parole panel enter conditions of mandatory supervision on "illegal criminal aliens" that they leave the United States as soon as possible after release and not unlawfully return. *See* §§ 508.192, 508.281, Gov't Code.

HB 2735 – Effective 09/01/11.

Requires a summons to appear rather than a warrant be issued for a person on parole or mandatory

supervision release from the Texas Department of Criminal Justice for an individual charged only with committing an administrative violation alleged to have been committed after the third anniversary of the date the individual was released on parole or mandatory supervision. There are exceptions for individuals who are required to register under Art. 62, is on a form of intensive supervision, is an absconder or a threat to public safety. *See* §508.251, Gov't Code.

HB 2847 – Effective 9/1/11.

Permits the use of teleconferencing systems in certain criminal proceedings, including pretrial hearings and pleas with written waivers, grand jury testimony by officers or inmate witnesses. *See* Art.1.13, Art. 20.011(a), Art.20.011(a),, Art.20.02(b), Art.20.151, Art.27.18, Art.38.073, Code of Crim. Proc.

HB 3000 – Effective 9/1/11.

Creates the offense of continuous trafficking of persons, punishable by life imprisonment or 25 to 99 years. Makes several amendments to the Code of Criminal Procedure and Government Code to add the new offense, including amendments regarding statute of limitations, release on personal bond, notice of bail reduction, trial preference, and parole. *See* §§ 20A.03, 12.35, 12.42, Penal Code; §§ 12.01, 17.03, 17.032, 17.091, Code Crim. Proc.; §§ 23.101, 411.1471, 499.027, 508.046, 508.145, 508.149, 508.151, Gov't Code.

SB 24 – Effective 9/1/11.

Extends the civil and criminal statute of limitations for human trafficking crimes, adds human trafficking offenses and compelling prostitution to the list of "3g" offenses, raises the level of certain offenses and requires an offender who is convicted of sex trafficking to register in the Sex Offender Registry. Provides protection mechanisms for child victims in the Texas Family Code, allowing a parent or guardian, acting on behalf of a minor who is a victim of human trafficking, to file for a protective order against the trafficker. Allows child victims in sex trafficking cases certain provisions similar to sexual assault cases under Texas law. *See* §§ 16.0045, 125.0015, Civ. Prac. & Rem. Code; Arts. 7A..01, 12.01, 13.12, 38.07, 38.071, 38.072, 38.37, 42.12(3g), 62.001, 62.101(a), Code of Crim. Proc; §§54.031, 161.001, 261.001(1), 262.2015(b), Family Code; §§ 499.027(b), 508.149(a) Gov't Code. §§ 3.03(b), 12.42(2)(c), 15.031(b), 20A.01, 21,02(c), 22.021(a), Penal Code.

SB 82 - Effective 9/1/11.

Adds an individual with whom a victim has a dating relationship to the categories of persons covered by the stalking statute; adds stalking convictions in other states or under federal law to the offenses which can raise the level of a current offense. Authorizes the offense of stalking to be prosecuted in any county in which an element of the offense occurred; Ensures stalking victims are permitted to give testimony in court concerning their relationship with an alleged perpetrator. *See* Arts. 13.36, 38.46, Code of Crim. Proc.; § 42.072, Penal Code.

SB 122 – Effective 9/1/11.

Modifies the requirements for granting motions for post-conviction DNA testing by removing certain conditions regarding the reasons why biological evidence was not tested previously, so that testing of any previously untested biological evidence may be granted. Requires that unidentified DNA profiles obtained through post-conviction testing be entered into state and federal DNA databases. *See* Arts. 64.01, 64.03, 64.04, Code of Crim. Proc.

SB 144 – Effective 1/1/12 (contingent on voter passage of SJR 9 - constitutional amendment – in November).

Authorizes governor to pardon person who has successfully completed term of deferred adjudication. Current law only allows governor to pardon person who has been convicted. *See* Art. 48.01, Code of Crim. Proc.

SB 198 – Effective 9/1/11.

Provides that certain persons convicted of certain sexual offenses are exempted from registering as a sex offender s. Permits certain young persons who have been convicted or placed on community supervision for certain offense involving underage victims to petition the court for release from registration requirements. *See* Arts. 42.017, 42.12 (g), 62.301, 62.402, Code of Crim. Proc.

SB 316 – Effective 9/1/11.

Establishes restrictions on disposition of assets obtained through criminal forfeiture proceedings. Authorizes audits by the State Auditor. *See* Arts. 59.03, 59.06, 59.061, 59.062, Code of Crim. Proc.

SB 407 – Effective 9/1/11.

Creates the offense of “electronic transmission of certain visual material depicting minor.” Establishes procedures related to such cases. Authorizes the sealing of records related to offenses committed by children. Requires the development of related educational programs. *See* Art. 6.09, Art. 42.12, Sec.

13H, 45.0216, 45.061, Code of Crim. Proc.; § 37.218, Educ. Code; § 54.0404, Family Code; § 43.261, Penal Code. *See also Open Records.*

SB 519 – Effective 9/1/11.

Expands time to make motion for new trial in criminal case in justice and municipal court from one day to five days. *See Art. 45.037, Code of Crim. Proc.* **See also Justices of the Peace and Municipal Judges.**

SB 578 – Effective 9/1/11.

Requires accommodations for child witnesses in regard to their testimony in criminal cases. *See Art. 38.074, Code of Crim. Proc.*

SB 953 – Effective 9/1/11.

Sets out possible conditions associated with the grant of an occupational driver's license. *See §§ 521.2461, 521.2462, 521.248(a), Transportation Code.*

SB 1010 – Effective 9/1/11.

Expands the notice requirement for plea bargain notice to victims by requiring the state's attorney, as far as reasonably practicable, to give notice of any plea agreement to the victim, guardian of a victim or close relative of a deceased victim. Some affirmative requirements placed on the Court to inquire as to the notice and whether a victim impact statement has been provided. *See Art. 26.13(a) & (e), Art. 56.08(b) & (e), Code of Crim. Proc.*

SB 1271 – Effective 6/17/11.

Amends the Civil Practice and Remedies Code to include disputes involving entities and units of government (not just disputes among individuals) in the definition of the "alternative dispute resolution system" which can be established by a county. Allows for ADR in criminal cases. *See §§ 152.001, 152.002, Civ. Prac. & Rem. Code.*

SB 1331 – Effective 9/1/11.

Makes certain age-based alcohol offenses inapplicable to first minor to seek emergency assistance for possible alcohol overdose of another minor. *See §§ 106.04, 106.05, Alco. Bev. Code.* **See also Justices of the Peace and Municipal Judges.**

SB 1489 – Effective 9/1/11.

Restricts individuals who can be convicted of failure to attend school to persons 12 or older and younger than 18. Provides for expunctions of failure-to-attend-school offenses to be obtained in a wider variety of circumstances. Authorizes courts to dismiss failure-to-attend-school charges in certain circumstances. *See Arts. 45.054, 45.055, Code of*

Crim. Proc.; § 25.094, Educ. Code; § 51.03, Fam. Code. **See also Justices of the Peace and Municipal Judges.**

SB 1551 – Effective 9/1/11.

Establishes that when a crime is committed that causes bodily injury to a child, it may be prosecuted in the county where the offense was committed, the county where the defendant is apprehended, or the county of the child or defendant's residence. Expands the definition of "missing child" to include a child taken without the permission of the custodian, unless the taking of the child is prompted by family violence. Establishes additional affirmative defenses to offenses related to taking children. *See Arts. 13.075, 63.001(3) Code of Crim. Proc., § 25.03(a) Penal Code.*

SB 1552 – Effective 9/1/11.

Authorizes a court to accept a written plea of guilty or nolo contendere from a person confined in a penal institution by fax or e-mail. *See Art. 27.19, Code of Crim. Proc.*

SB 1616 – Effective 6/17/11.

Requires courts and other entities charged with collecting biological evidence to keep such evidence for specified time periods. *See Art. 38.43, Code of Crim. Proc.*

District Clerks

HB 79, Article 9 (First Called Session) – Effective 1/1/12.

Permits a person found to be a vexatious litigant to appeal the order of a court prohibiting the person from filing new litigation in propria persona in the courts of Texas. Additionally, authorizes a litigant to challenge by means of an application for a writ of mandamus with the court of appeals, the decision of a local administrative judge denying the litigant special permission to file a litigation. Prohibits the clerk of a court from filing any original proceeding, appeal or other claim presented by a vexatious litigant except for the appeal and application for writ of mandamus mentioned above. Requires the clerk of a court to provide the Office of Court Administration with a copy of any prefilings order issued under Section 11.101 of the Civil Practice and Remedies Code not later than the 30th day after the date the prefilings order is signed. Clerks are currently required to make such a report, but the 30-day directive is new. Requires the Office of Court Administration to post a list of vexatious litigants subject to prefilings orders

on the Office's Internet website. Further directs that, upon the request of a person on the list, the list indicate whether the person has filed an appeal of the prefiling order. *See §§ 11.101 - 11.104, Civ. Prac. & Rem. Code.* *See also Appellate Courts; County Clerks; Office of Court Administration; Supreme Court.*

HB 174 – Effective 9/1/11.

Expands the parties to whom a court clerk must send a monthly list of persons disqualified from jury service because of citizenship issues. Currently, the only party to whom the clerk must send the list is the voter registrar. The new parties to whom the list must be sent are: (1) the secretary of state; and (2) the county or district attorney, as applicable, for an investigation of whether the person committed an offense under Section 13.007 of the Election Code or other law. *See §62.113, Gov't Code.* *See also County Clerks; Juries; Justices of the Peace and Municipal Judges.*

HB 1573 – Effective 9/1/11.

Requires clerk of court that does not provide Internet access to the court's criminal case records to post in a designated place in the courthouse notice of a prospective criminal court docket setting as soon as the court notifies the clerk of the setting. Under current law, the clerk is required to post such notice not less than 48 hours before the docket setting. *See Art. 17.085, Code of Crim. Proc.* *See also County Clerks; Justices of the Peace and Municipal Judges.*

HB 1658 – Effective 9/1/11.

Directs clerks to refund cash bail bond money, upon the defendant's compliance with the conditions of his or her bond, to any person in the name of whom a receipt was issued. Currently, the cash bail bond money can only be returned to the defendant, regardless of who put up the cash. Also, requires the amount of the cash refunded to be the amount reflected on the face of the receipt. *See Art. 17.02, Code of Crim. Proc.* *See also County Clerks.*

HB 2124 – Effective 6/17/11.

Requires clerk to inform victim, victim's guardian, or victim's close relative of the release of a criminal defendant who had been acquitted by reason of insanity from a mental hospital. Removes requirement that clerk inform Victim Services Department of TDCJ of such a release. *See Art. 46C.003, Code of Crim. Proc.* *See also County Clerks.*

HB 2422 – Effective 6/17/11.

Requires clerk to mail notice of a signing of a final decree of dissolution of marriage to any party who waived service of process. Notice is to be mailed to the mailing address contained in the waiver or to the office of the party's attorney. *See § 6.710, Family Code.*

HB 2425 – Effective 6/17/11.

Requires a court to give notice to the attorney general of any action in which a party to the litigation files a petition or motion challenging the constitutionality of a Texas statute. The requirement applies only if the attorney general is not a party to or counsel involved in the litigation. Presumably, the requirement is applicable in both civil and criminal cases. The notice is to include a copy of the petition or motion. Also, the notice is to identify the statute in question and the basis for the challenge. The notice is to be given to the attorney general by certified or registered mail or by e-mail. The e-mail address to be used to give notice is const_claims@oag.state.tx.us. *See § 402.010, Gov't Code.* *See also County Clerks; Justices of the Peace and Municipal Judges.*

HB 2624 – Effective 9/1/11.

When the respondent is a member of the military, requires court clerks to provide a copy of a protective order to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the respondent is assigned with the intent that the commanding officer will be notified. Requires peace officers investigating family violence to provide written notice to the staff judge advocate or provost marshal, when the suspect is a military member. Requires court clerks to provide written notice of convictions and deferred adjudications related to family violence to the staff judge advocate or provost marshal, when the defendant is a military member. Requires the presentence investigation of a military member who has served in active-duty status to determine whether the defendant may suffer from post-traumatic stress disorder or a traumatic brain injury and to include the defendant's military discharge records and military records. *See § 85.042 Fam. Code, Arts. 5.05, 42.0182, 42.12 Code Crim. Proc.* *See also County Clerks; Protective Orders.*

HB 2717 – Effective 6/17/11.

Makes change to clerks' continuing education requirements. A clerk now needs to complete one hour of training regarding registry funds and one hour of training regarding fraudulent court documents only during the first year of every term of

office instead of every year. *See* § 51.605, Gov't Code. *See also County Clerks.*

HB 3674 - Effective 9/1/11.

Permits unsworn declarations to be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. Does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public. *See* §132.001, Civ. Prac. and Rem. Code. *See also County Clerks.*

SB 373 – Effective 9/1/11.

Authorizes court clerks to give written approval for the county treasurers to collect court costs and fines. Establishes new time periods for the deposit of collected money with the county treasurer. *See* Arts. 103.003, 103.004, Code of Crim. Proc. *See also Costs, Fees, Fines and Collections; County Clerks.*

SB 428 – Effective 5/17/11.

Changes the responsibility for mailing a notice of foreign judgment from the clerk to the judgment creditor or judgment creditor's attorney. *See* § 35.004 Civ. Prac. & Rem. Code. *See also County Clerks.*

SB 1228 - Effective 6/17/11.

Addresses problems arising from 2009 statute requiring clerk who accepts electronic filings from an attorney representing the state to also accept electronic filings from defendants. A number of counties had already established systems or entered into procurement agreements for systems which do not include an option to accept electronic filings from defendants. Provides limited exception from requirement to accept electronic filings from defendants for district clerks with electronic filing systems that can not accept electronic filings from defendants. To qualify for the exception, the system must have been established or procured before June 1, 2009 and must not have been substantially upgraded or replaced with a new system. *See* Article 2.21, Subsection (a-1), Code of Crim. Proc.

Expunctions and Orders of Nondisclosure

HB 351 – Effective 9/1/11.

Broadens a person's eligibility for expunction of records and files relating to an arrest. Specifically, allows for expunctions on the basis of the defendant's actual innocence. *See* Art. 55.01, Code of Crim. Proc.

HB 1106 – Effective 9/1/11.

Requires courts placing a defendant on deferred adjudication to inform him or her of the right to petition the court for an order of nondisclosure. *See* Art. 42.12, Sec. 5(a-1), (c-1), Code of Crim. Proc.

HB 1994 – Effective 6/17/11.

Creates first offender prostitution program for defendants charged with offenses in which defendant offered or agreed to hire a person to engage in sexual conduct. Requires court, if program is defendant successfully completes program and certain criteria are met, to enter order of nondisclosure as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, Code of Criminal Procedure. *See* Chapter 169, Health and Safety Code and § 103.0291, Gov't Code. *See also Expunctions and Orders of Nondisclosure.*

SB 462 – Effective 9/1/11.

Provides further refinements of the law regarding eligibility for expunctions. *See* Arts. 55.01, 55.02, Code of Crim. Proc.

Family Law

HB 79, Article 11 (First Called Session) – Effective 1/1/12.

Provides for a "trial independence period" of six months to a year during which a young adult exits foster care with the option to return to foster care under the continuing extended jurisdiction of the court. Also, gives the court extended jurisdiction over a young adult while the young adult remains in extended foster care. Requires a court with extended jurisdiction over a young adult to conduct extended foster care review hearings every six months. *See* §§ 263.601, 263.602, Family Code.

HB 149 - Effective 6/17/11.

Authorizes a court to appoint a person who meets the minimum qualifications required by state law, including an employee of the court, to act as a parenting coordinator on a volunteer basis and without compensation. *See* §§153.609(d), 153.6091, Family Code.

HB 848 - Effective 9/1/11.

Allows an authorization agreement between a parent of a child and the person with whom the child is placed under a parental child safety placement agreement, which can include members of the parent's extended family and other trusted community members. The parental child safety

placement agreement allows the person with whom the child is placed to make certain decisions regarding the child during an investigation of abuse or neglect. *See §§ 34.001(2), 34.002(c), 34.0021, Family Code.*

HB 901 - Effective 9/1/11.

Addresses eligibility for spousal maintenance, the duration of a maintenance order, the maximum amount of spousal maintenance which can be ordered, modification of a maintenance order and contempt arising from a maintenance order. *See §§ 8.051, 8.052, 8.053(a), 8.054, 8.0558, 8.056, 8.057(c) and (d), 8.059 (a), (b), and (d), and 8.0591, Family Code.*

HB 906 – Effective 9/1/11.

Amends appellate procedures for child protection cases, including making final orders subject to procedures for accelerated appeals and requiring that information regarding the appeals process be included in the final order. Also requires Supreme Court to adopt rules related to accelerated disposition of these cases by the appellate courts and requires that an attorney appointed for an indigent parent continue to represent the parent until all appeals are exhausted or the attorney is relieved or replaced by the court. *See §§ 107.013, 107.016, 109.002(a), 263.405(a.), (b) and (c), Fam. Code. See also Associate Judges; Supreme Court.*

HB 1404 - Effective 9/1/11.

Provides for certain temporary orders in a suit affecting the parent-child relationship during a parent's military deployment. *See §§ 153.702 (a) and (c), 153.703 (b) Family Code.*

HB 1674 – Effective 9/1/11.

Amends statutes concerning enforcement and modification of child support payments related to medical support payments, child support liens, and receipt of criminal history information. Removes certain requirements for a Child Support Review Order, establishes a payment incentive program to promote payment by obligors who are delinquent in paying assigned child support arrears, and provides that an individual who has failed to pay child support for six months or more may be denied the issuance of a license. *See §§ 154.187(c), 154.303(b), 156.401, 157.162, 157.263, 157.311(1) and (4), 157.317(a), 157.3271, 158.203(b) and (b-1), 158.503, 231.015, 231.124, 231.307, 232.0135, 232.014(a), 233.012, 233.013, Fam. Code; § 1108.101, Ins. Code; § 411.1271(b-1) and (c), Gov't Code, § 34.04(a), Tax Code; and Art. 59.06, Code of Crim. Proc.*

HB 3311 – Effective 9/1/11.

Clarifies that the required meeting before each hearing in a child protection case between an attorney ad litem and the child must take place a sufficient time before the hearing to allow the attorney to prepare to advocate for the child's expressed objectives of representation and in a private setting that maintains confidential communications. *See § 107.004 Fam. Code.*

HB 3314 – Effective 9/1/11.

Adds a requirement that an attorney ad litem must file a written statement indicating that the attorney met with the child client prior to a child protection hearing, if the child (or the person with whom they reside) is not present at the hearing. *See § 107.004(d) Fam. Code.*

SB 1, Article 63 (First Called Session) – Effective 9/28/11.

Provides for a "trial independence period" of six months to a year during which a young adult exits foster care with the option to return to foster care under the continuing extended jurisdiction of the court. Also, gives the court extended jurisdiction over a young adult while the young adult remains in extended foster care. Requires a court with extended jurisdiction over a young adult to conduct extended foster care review hearings every six months. *See §§ 263.601, 263.602, Family Code.*

SB 218 – Effective 9/1/11.

Prohibits the Department of Family and Protective Services from entering into case closure agreements requiring the adult residing with a child to take actions after the case is closed to ensure the child's safety. Establishes procedures for investigations in which the Department discovers a child younger than 11 years of age has a sexually transmitted disease. Authorizes issuance of a protective order as an alternative to removal of a perpetrator. Requires the Department to collaborate with parents in developing or modifying a service plan. Waives the drivers license fee for a youth in the Department's conservatorship. Authorizes foster care redesign. *See §§ 261.3013, 262.010, 262.1015, 263.103, 263.104, 263.106, 264.118 Family Code, § 411.114(3)(a) Gov't Code, § 40.036 Human Resources Code, § 521.1811 Transportation Code. See also Protective Orders.*

SB 502 – Effective 9/1/11.

Amends the procedures for rescinding or challenging an acknowledgement of paternity or a denial of paternity. A proceeding to challenge an acknowledgement or denial may now be commenced

at any time before the issuance of an order affecting the child. Creates a third degree felony offense for altering, destroying, concealing, fabricating, or falsifying genetic evidence in a proceeding to adjudicate parentage. *See §§ 160.302, 160.306, 160.307, 160.308, 160.309, 160.312, 160.512, 160.607, 160.608, 160.609 Family Code.*

SB 993 – Effective 9/1/11.

Sets forth the requirements of a Parental Child Safety Placement in child protection cases. Requires the Department of Family and Protective Services to give notice of a removal to a child's relatives, who must be identified and located within 30 days of the Department filing a SAPCR. Ten days before a status hearing, the Department must provide a report regarding notification of relatives to the court and the court must make findings regarding notice at the status hearing. Court must also make findings that a service plan is reasonably tailored to address issues in the case. Authorizes a court to modify a service plan at any time. Requires the court to advise parties of the provisions regarding mandatory appointment of an attorney at the status hearing and to appoint an attorney where required. *See §§ 264.901-264.906, 262.1095, 263.007, 263.105, 263.201, 263.202, 263.203 Family Code.*

SB 1026 – Effective 9/1/11.

Defines the powers and duties of an attorney ad litem appointed for a parent or an alleged father in child protection cases. Requires attorneys to investigate the facts of the case and meet with their client before each hearing (unless they can show good cause for why a meeting is not feasible). Attorneys are entitled to attend all legal proceedings as well as case staffings conducted by the Department of Family and Protective Services. *See §§ 107.0131 – 107.0133, Family Code.*

SB 1751 - Effective 9/1/12.

Affects calculations of net resources of person ordered to pay child support by adding another deduction. The new deduction is for nondiscretionary retirement plan contributions. *See §154.062 (d) and (f), Family Code.*

Grand Juries

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Declares that all grand and petit jurors selected in a county before a new district court is created are considered to have been selected as jurors for the new

district court. *See § 24.027, Gov't Code. See also Juries.*

SB 1233 – Effective 6/17/11.

Authorizes person who operates video teleconferencing system to be present while grand jury is conducting proceedings. Allows video teleconferencing of certain grand jury testimony and the deposition and testimony of inmates in various court proceedings. *See §§ 20.011(a), 20.02(b), 27.18, 38.073, Code of Crim. Proc.*

Indigent Defense

HB 417 –Effective 6/17/11.

Directs TDCJ to provide guidance to exonerated persons on procedures for applying for statutory compensation, including providing a list of approved nonprofit agencies that can provide assistance in filing the application. Requires that persons who seek to collect fees to assist wrongfully convicted persons in preparing the application for statutory compensation to the Comptroller under the Texas Civil Practice and Remedies Code must charge a reasonable hourly rate which is disclosed in advance, and that the attorney must file a report with the Comptroller's judiciary section disclosing the fee details (effective for fee agreements on or after 1/1/2012). Provides access to statutory compensation for wrongful conviction for persons who receive habeas corpus relief which is not explicitly based on actual innocence if the state district court dismissed the charges on or after 9/1/09 based on a motion by the prosecutor in which the prosecutor states that no credible evidence exists that inculpates the defendant and the prosecutor affirms the defendant's claim of actual innocence. Makes exonerees who qualify for statutory compensation eligible to purchase group health insurance through the Texas Department of Criminal Justice. *See §§103.001, 103.002, 103.003, 103.051 103.054, 103.101, 103.102, Civ. Prac. & Rem. Code, §501.091 Government Code, §1551.115 Insurance Code.*

HB 1646 – Effective 9/1/11.

Requires the appointment of counsel and payment of fees and expenses up to the statutory limit for successor writs of habeas corpus in death penalty cases, provided that the Court of Criminal Appeals determines that the successor writ is within the requirements authorized by statute. Directs the order of priority for appointment of counsel to include, first, the attorney who represented the defendant in preparation of the successor writ application, second,

the Office of Capital Writs, or third, other qualified counsel from the list approved by the presiding judges of the administrative judicial regions. Applies to writs filed after 1/1/2012. *See* Art. 11.071, Code of Crim. Proc.

HB 1754 – Effective 9/1/11.

Changes name of Task Force on Indigent Defense to Texas Indigent Defense Commission. Requires new commission to prepare and submit its Legislative Appropriations Request separate from that of the Office of Court Administration, although commission will remain administratively attached to OCA. Simplifies local option to establish a public defender's office by permitting a county to establish such an office as a county department without requiring the county to issue a request for proposals (RFP) to itself. Provides a new local option and guidance on how to establish a managed assigned counsel program. Requires public law school innocence projects to prepare a report annually on exonerations of clients represented by the project. *See* Chapters 71, 79, Gov't Code, Chapter 26, Code of Crim. Proc.

HB 1770 – Effective 9/1/11.

Limits the authority of the Texas Department of Criminal Justice (TDCJ) to pay the cost of temporary post-release housing for an inmate who is eligible for release on parole or to mandatory supervision only if TDCJ does not operate or contract for the operation of a residential correctional facility in the county of legal residence of the inmate. Requires the temporary post-release housing to be in a structure that existed on June 1, 2009, as a multifamily residence or as a motel to which Tax Code provisions relating to the hotel occupancy tax apply. *See* § 508.157, Gov't Code.

SB 1308 – Effective 9/1/11.

Allows the local selection committee in each administrative judicial region to review an attorney's current ability to provide effective representation when the attorney is no longer eligible to represent indigent defendants in capital cases due to a single finding of ineffective assistance of counsel. *See* Art. 26.052, Code of Crim. Proc.

SB 1681 – Effective 9/1/11.

Clarifies that the Fair Defense Act applies to attorney appointments for probation revocations and appeals. Clarifies procedures for withdrawal of trial counsel and appointment of appellate counsel. Authorizes any magistrate to provide warnings on rights to defendants arrested for motions to revoke probation.

See Arts. 26.04 and 42.12, Sec. 21, Code of Crim. Proc.

Judicial Administration

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Eliminates outdated language concerning how visiting judges are appointed to replace district judges who have recused themselves. *See* § 24.002, Gov't Code.

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Expands provisions dealing with the transfer of benches and the exchange of cases to counties with two or more district courts. The provisions currently apply to counties with five or more district courts. *See* § 24.003, Gov't Code.

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Creates automatic terms of court for district courts that begin on the first Mondays in January and July. *See* § 24.012, Gov't Code.

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Declares that the obligees in all bonds taken in a district court from which a case is transferred are required to appear before the court to which the case is transferred. Similar rule established for all witnesses summoned to appear before a district court from which a case is transferred.

See §§ 24.023, 24.024, Gov't Code.

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Clarifies that if a county is removed from the composition of a judicial district and is added to a new or existing judicial district, all cases from that county pending in the district court of the judicial district from which the county was removed are transferred to the district court of the judicial district to which the county is added. Additionally, provides that processes, writs, and other obligations issued from and returnable to a district court remain valid in such a situation. *See* §§ 24.028, 24.029, Gov't Code.

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Provides that statutory county court judges have the same judicial immunity as district judges. *See* § 25.004, Gov't Code.

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Reduces the amount of time a former or retired judge of a statutory probate court must have served as an active judge in order to be eligible for appointment as visiting judge from 96 months to 72 months. *See* § 24.0022, Gov’t Code.

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Permits counties to self-insure themselves in lieu of requiring a bond to protect against losses stemming from the gross negligence of a statutory probate court judge. *See* § 24.00231, Gov’t Code.

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Establishes general provisions for statutory probate court judges concerning qualifications for office, a prohibition on the private practice of law, and terms of courts. Eliminates provisions on the foregoing subjects contained in statutes specific to each statutory probate court. *See* §§ 25.0033, 25.0034, 25.0035, Gov’t Code. *See also Judicial Selection and Qualifications.*

HB 79, Article 5 (First Called Session) – Effective 1/1/12.

Directs justices of the peace in each county to adopt local rules of administration by a majority vote of the justices. The rules must address the transfer of pending civil and criminal cases from one precinct to a different precinct. *See* § 15.0821, Civ. Prac. & Rem. Code; § 27.061, Gov’t Code; Art. 4.12, Code of Crim. Proc. *See also Justices of the Peace and Municipal Judges.*

HB 79, Article 7 (First Called Session) – Effective 1/1/12.

Provides guidelines for the determination of cases requiring additional resources. Creates the Judicial Committee for Additional Resources. The Committee’s primary function is to evaluate special needs cases or extraordinary events impacting the courts and to direct additional resources to those cases. Such additional resources can include the assignment of visiting judges, additional legal and administrative personnel, information and communication technology, specialized continuing education, and special accommodations or furnishings. No funding is appropriated for additional resources but creation of the Committee provides a legal structure for the assignment of judicial resources. The Committee is composed of the Chief Justice of the Supreme Court and the nine presiding judges of the administrative judicial

regions. The Chief Justice serves as the Committee’s presiding officer. The Office of Court Administration provides staff support to the Committee. Requires the Supreme Court to adopt rules under which the courts, the presiding judges of the administrative judicial regions, and the Committee may determine whether a civil case requires additional resources to ensure efficient judicial management of the case. *See* §§ 74.251-74.257, Gov’t Code. *See also Office of Court Administration; Supreme Court.*

SB 910 – Effective 6/17/11.

Provides procedure for delegating responsibilities of a district or county attorney deployed for active military duty and provides that an attorney who complies with this provision is not absent from and has not vacated the office; requires notice to the presiding judge of the administrative judicial region of the delegation of authority; makes inapplicable the provision that authorizes the comptroller to reduce a district attorney’s salary for failure to attend court if the attorney has complied with the new delegation of authority and notice provisions. *See* §§ 41.015 and 43.003, Gov’t Code.

Judicial Compensation

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Declares that all district judges in a county are entitled to equal amounts of supplemental compensation from the county. *See* § 24.025, Gov’t Code.

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Clarifies that a district judge sitting on a juvenile board is entitled to the same supplemental compensation as other judges serving on the juvenile board. *See* § 24.026, Gov’t Code.

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Provides statutory authority for the \$5,000 state salary supplement for local administrative judges in counties with more than five district courts. *See* § 659.012, Gov’t Code.

SB 1269 – Effective 9/1/11.

Provides that transportation, lodging, and meals accepted in connection with a conference or similar event in which a public servant renders services, such as addressing an audience or engaging in a seminar,

to the extent that those services are more than merely perfunctory, are not prohibited honorariums. Clarifies that the transportation, lodging, and meals described in Penal Code Section 36.07(b) are not political contributions as defined in the Election Code. Additionally provides that Penal Code Sections 36.08 (Gifts to Public Servant by Person Subject to Jurisdiction) and 36.09 (Offering Gift to Public Servant) do not apply to transportation, lodging and meals described by Penal Code Section 36.07(b). *See §§ 36.07(b-1) and 36.10(a), Penal Code.*

Judicial Education

HB 79, Article 5 (First Called Session) – Effective 1/1/12.

Requires justices of the peace to complete ten hours of the requisite 20 hours of annual judicial education in the area of substantive, procedural, and evidentiary law in civil matters. *See §§ 27.005, Gov't Code.*
See also Justices of the Peace and Municipal Judges.

Judicial Selection and Qualifications

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Announces that on the creation of a new district court, the initial vacancy in the district judge position is filled in accordance with Section 28, Article V of the Texas Constitution. The constitutional provision provides for the governor to appoint the judge to serve until the next general election. *See § 24.026, Gov't Code.*

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Requires statutory county court judges to be U.S. citizens. *See § 25.0014, Gov't Code.*

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Prohibits statutory county court judges from engaging in the private practice of law. The provision applies only to judges elected on or after the effective date of the bill.
See § 25.00161, Gov't Code.

HB 79, Article 4 (First Called Session) – Effective 1/1/12.

Establishes general provisions for statutory probate court judges concerning qualifications for office, a prohibition on the private practice of law, and terms

of courts. Eliminates provisions on the foregoing subjects contained in statutes specific to each statutory probate court. *See §§ 25.0033, 25.0034, 25.0035, Gov't Code.* **See also Judicial Administration.**

SJR 37 – Effective upon voter approval . The constitution currently provides that an individual automatically resigns from his/her current office if he or she were to become a candidate for another elected office with more than one year remaining on the current term of office. The resolution seeks a constitutional amendment that would add an additional 30 days to the existing language, making the unexpired term of the office then held not to exceed one year and 30 days. *See Art. XVI, §65(b), Texas Constitution.*

Juries

HB 79, Article 3 (First Called Session) – Effective 1/1/12.

Declares that all grand and petit jurors selected in a county before a new district court is created are considered to have been selected as jurors for the new district court. *See § 24.027, Gov't Code.* **See also Grand Juries.**

HB 174 – Effective 9/1/11.

Requires the Juror Questionnaire developed and maintained by the Office of Court Administration to notify a person who states he or she is not a citizen, that the person will no longer be eligible to vote if the person fails to provide proof of citizenship. Also, requires a similar notice on a jury summons. *See §§ 62.0132, 62.0142, Gov't Code.* **See also Office of Court Administration.**

HB 174 – Effective 9/1/11.

Requires the Secretary of State to send notice to the voter registrar of the appropriate county of the fact that the Secretary of State has determined that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen. *See § 18.068, Election Code.*
See also Office of Court Administration.

HB 174 – Effective 9/1/11.

Expands the parties to whom a court clerk must send a monthly list of persons disqualified from jury service because of citizenship issues. Currently, the only party to whom the clerk must send the list is the voter registrar. The new parties to whom the list must be sent are: (1) the secretary of state; and (2) the

county or district attorney, as applicable, for an investigation of whether the person committed an offense under Section 13.007 of the Election Code or other law. *See* §62.113, Gov't Code. *See also County Clerks; District Clerks; Justices of the Peace and Municipal Judges.*

HB 2717 – Effective 6/17/11.

Allows exemption from jury service if person's jury service would require leaving child younger than 12 without adequate supervision. Current law allows the same exemption for children under 15. *See* § 62.106(a), Gov't Code.

SB 1, Article 40 (First Called Session) – Effective 9/28/11.

Changes the minimum amount that jurors are to receive for their second and subsequent days of service from \$40 to an amount "not less than the amount provided in the general appropriations act. The exact amount has been calculated by the Comptroller's Office to be \$28. *See* §§ 61.001, 61.0015, Gov't Code. *See also Office of Court Administration; Supreme Court.*

SB 85 – Effective 9/1/11.

Replaces references to the tax assessor-collector with references to the voter registrar in matters concerning the establishment of exemptions from jury service. *See* §§ 62.107 – 62.019, Gov't Code.

Justices of the Peace and Municipal Judges

HB 79, Article 5 (First Called Session) – Effective 1/1/12.

Requires justices of the peace to complete ten hours of the requisite 20 hours of annual judicial education in the area of substantive, procedural, and evidentiary law in civil matters. *See* §§ 27.005, Gov't Code. *See also Judicial Education.*

HB 79, Article 5 (First Called Session) – Effective 5/1/13.

Discontinues small claims courts on May 1, 2013. Directs justices of the peace to transfer all cases pending in the small claims court to the justice court immediately before May 1, 2013. Calls for justice courts, beginning May 1, 2013, to conduct justice court proceedings in small claims cases in accordance with new rules of civil procedure promulgated by the Supreme Court. Directs the Supreme Court to promulgate the new rules not later than May 1, 2013. The new rules must define the term "small claims cases." The new rules must ensure the fair,

expeditious, and inexpensive resolution of small claims cases. Other guidelines for the new rules are delineated. Also requires the Supreme Court to promulgate rules providing specific procedures for actions by: (1) an assignee of a claims or other person seeking to bring an action on an assigned claim; (2) a person primarily engaged in the business of lending money at interest; and (3) a collection agency or collection agent. None of the foregoing rules promulgated by the Supreme Court are required that a party in a case be represented by an attorney. Another requirement is that the rules may not be so complex that a reasonable person without legal training would have difficulty understanding or applying the rules. Any committee established by the Supreme Court to recommend the rules to be adopted is required to include justices of the peace. Separate and apart from the foregoing rules, requires the Supreme Court to promulgate rules for eviction proceedings by May 1, 2013. *See* §§ 27.060, Chapter 28 Gov't Code. *See also Court Jurisdiction; Supreme Court.*

HB 79, Article 5 (First Called Session) – Effective 1/1/12.

Directs justices of the peace in each county to adopt local rules of administration by a majority vote of the justices. The rules must address the transfer of pending civil and criminal cases from one precinct to a different precinct. *See* § 15.0821, Civ. Prac. & Rem. Code; § 27.061, Gov't Code; Art. 4.12, Code of Crim. Proc. *See also Judicial Administration.*

HB 174 – Effective 9/1/11.

Expands the parties to whom a court clerk must send a monthly list of persons disqualified from jury service because of citizenship issues. Currently, the only party to whom the clerk must send the list is the voter registrar. The new parties to whom the list must be sent are: (1) the secretary of state; and (2) the county or district attorney, as applicable, for an investigation of whether the person committed an offense under Section 13.007 of the Election Code or other law. *See* §62.113, Gov't Code. *See also County Clerks; District Clerks; Juries.*

HB 350 – Effective 9/1/11.

Permits judge to require convicted criminal defendant younger than 17 to satisfy fine and court costs by performing community service or attending tutoring. Only applies to convictions for Class C misdemeanors occurring in building or on grounds of secondary school in which defendant is enrolled. *See* Art. 45.0492, Code of Crim. Proc. *See also Costs, Fees, Fines and Collections.*

HB 961 – Effective 6/17/11.

Makes records of a child convicted of a fine-only misdemeanor other than a traffic offense confidential once the child has satisfied the judgment. Such records may not be released to the general public. The records are open, however, to specified persons including the child and the child's parents. Repeals provisions in Section 411.081(f-1) of the Government Code concerning orders of nondisclosure of such records. *See* Arts. 44.2811, 45.0217, Code of Crim. Proc.; § 58.00711, Family Code. *See also Open Records.*

HB 984 – Effective 5/19/11.

Authorizes neighboring municipalities to enter agreement establishing concurrent jurisdiction of the municipal courts in those municipalities. *See* Art. 4.14, Code of Crim. Proc., § 29.003, Gov't Code. *See also Court Jurisdiction.*

HB 1111 – Effective 1/1/12.

Guides justice courts on issuing writs of possession in appeals of eviction suits by tenants who have filed a pauper's affidavit to appeal the case. *See* §§ 24.004, 24.0053, 24.0054, Prop. Code.

HB 1573 – Effective 9/1/11.

Requires clerk of court that does not provide Internet access to the court's criminal case records to post in a designated place in the courthouse notice of a prospective criminal court docket setting as soon as the court notifies the clerk of the summer. Under current law, the clerk is required to post such notice not less than 48 hours before the docket setting. *See* Art. 17.085, Code of Crim. Proc. *See also County Clerks; District Clerks.*

HB 1889 – Effective 1/1/12.

Creates a municipal court of record in the City of Mesquite. *See* §§ 30.01891 – 30.01895, Gov't Code. *See also Additional Courts.*

HB 1964 – Effective 9/1/11.

Authorizes judges to require defendants younger than 17 to discharge fines and costs assessed for conviction of a Class C misdemeanor by performing community service. *See* Art. 45.0492, Code of Crim. Proc. *See also Costs, Fees, Fines and Collections.*

HB 2425 – Effective 6/17/11.

Requires a court to give notice to the attorney general of any action in which a party to the litigation files a petition or motion challenging the constitutionality of a Texas statute. The requirement applies only if the attorney general is not a party to or counsel involved in the litigation. Presumably, the requirement is applicable in both civil and criminal cases. The

notice is to include a copy of the petition or motion. Also, the notice is to identify the statute in question and the basis for the challenge. The notice is to be given to the attorney general by certified or registered mail or by e-mail. The e-mail address to be used to give notice is const_claims@oag.state.tx.us. *See* § 402.010, Gov't Code. *See also County Clerks; District Clerks.*

HB 2949 – Effective 9/1/11.

Requires courts to "immediately" notify DPS when no cause exists to continue to deny renewal of person's driver's license. Applies to cases in which person's driver's license was not to be renewed for failure to appear or failure to pay fines and court costs. *See* § 7706.005(a), Transp. Code. *See also Costs, Fees, Fines and Collections.*

SB 1, Article 69 (First Called Session) – Effective 9/28/11.

Abolishes the \$0.15 court cost assessed upon conviction of an offense under Section 545.412 (Child Passenger Safety Seat Offenses). Repeals § 545.412(b-1), Trans. Code. *See also Costs, Fees, Fines, and Collections.*

SB 469 – Effective 9/1/11.

Directs courts to collect unpaid tolls, administrative fees, and third-party collection service fees from persons convicted of the offense of failing to pay a toll. The foregoing fees are to be collected before fines and court costs are collected. *See* § 366.178, Trans. Code. *See also Costs, Fees, Fines, and Collections.*

SB 480 – Effective 6/17/11. (**HB 3475 passed on same subject** – effective 9/1/11.)

Establishes procedures regarding recusal and disqualification of municipal judges. *See* §§ 29.051 – 29.060, Gov't Code.

SB 480 – Effective 6/17/11.

Requires municipal secretary to provide Texas Judicial Council with name of mayor, municipal judge, and municipal clerk within 30 days of election or appointment to office. *See* § 29.013, Gov't Code. *See also Office of Court Administration.*

SB 480 – Effective 6/17/11.

Permits defendant to appeal judgment of municipal court of record to the court of appeals even if assessed fine does not exceed \$100. Such an appeal is authorized, however, only if sole issue is constitutionality of statute or ordinance on which defendant's conviction is based. Effectively overrules *Alexander v. State*, 240 S.W.3d 72 (Tex.

App. – Austin 2007, no pet.). *See* § 30.00027, Gov’t Code. *See also Appellate Courts.*

SB 519 – Effective 9/1/11.

Expands time to make motion for new trial in criminal case in justice and municipal court from one day to five days. *See* Art. 45.037, Code of Crim. Proc. *See also Criminal Law and Procedure.*

SB 1320 - Effective 9/1/11.

Prohibits use of contracts for deeds in certain circumstances. Declares that justice courts do not have jurisdiction in a forcible entry and detainer suit if the defendant files a sworn statement alleging the suit is based on a deed executed in violation of the provisions contained in this bill. *See* Chapter 21, Bus. and Comm.; §121.005(a), Property Code.

SB 1330 - Effective 9/1/11 (*applies only to offenses committed on or after 1/1/12*).

Authorizes judges to require drivers younger than 25 who commit a traffic offense that is a moving violation to complete a special driving safety course. The special course is in addition to the regular statutorily-required driving safety course. *See* Art. 45.051, Code of Crim. Proc.

SB 1331 – Effective 9/1/11.

Makes certain age-based alcohol offenses inapplicable to first minor to seek emergency assistance for possible alcohol overdose of another minor. *See* §§ 106.04, 106.05, Alco. Bev. Code. *See also Criminal Law and Procedure.*

SB 1386 – Effective 9/1/11.

Authorizes county tax assessor-collector to refuse to register vehicle owned by person who has failed to appear for criminal proceeding in county. Gives Department of Motor Vehicles (DMV) the same right of refusal. Sets amount of discretionary fee charged for failing to pay fine and court costs by due date or for failure to appear at \$20. The \$20 fee may only be assessed if county has contract to provide certain information to DMV. *See* §§ 502.185, 702.003, Transp. Code. *See also Costs, Fees, Fines and Collections.*

SB 1489 – Effective 9/1/11.

Restricts individuals who can be convicted of failure to attend school to persons 12 or older and younger than 18. Provides for expunctions of failure-to-attend-school offenses to be obtained in a wider variety of circumstances. Authorizes courts to dismiss failure-to-attend-school charges in certain circumstances. *See* Arts. 45.054, 45.055, Code of

Crim. Proc.; § 25.094, Educ. Code; § 51.03, Fam. Code. *See also Criminal Law and Procedure.*

SB 1521 – Effective 9/1/11.

Expands permissible uses of municipal court building security fund to include warrant officers and related equipment. *See* Art. 102.017, Code of Crim. Proc. *See also Costs, Fees, Fines and Collections.*

Juvenile Justice

HB 2015 – Effective 9/1/11.

Clarifies that, in the context of the juvenile justice system, engaging in prostitution is conduct that indicates a minor’s need for supervision. Requires the sealing of records concerning a child found to have engaged in prostitution. *See* §§ 51.03(b), 58.003 Fam. Code. *See also Open Records.*

SB 61 - Effective 6/17/11.

Requires governing body of governmental entity employing juvenile case manager to adopt rules by December 1, 2011, providing for a code of ethics and for enforcement of the code of ethics, appropriate educational pre-service and in-service training standards, and training in seven specified areas. Also, expands the types of expenses which can be paid from the juvenile case manager fund. *See* Arts. 45.056, 102.0174, Code of Crim. Proc.

SB 209 – Effective 9/1/11.

Adds municipalities as entities which may employ juvenile case managers. Requires juvenile case managers to give priority to (rather than work primarily on) truancy cases. Requires juvenile case managers to report to the judge with information and recommendations. Requires judge to consult with juvenile case manager concerning child’s home environment and other factors relevant to assisting the judge in making decisions that are in the best interest of the child. *See* Art. 45.056, Code of Crim. Proc.

SB 653 – Effective 9/1/11.

Abolishes he Texas Youth Commission (TYC) and Texas Juvenile Probation Commission (TJPC) and transfers their functions to a newly created state agency, the Texas Juvenile Justice Department. Establishes a Governor appointed 13 member Texas Juvenile Justice Board serving staggered six year terms to govern the new Department. Establishes a transition team to coordinate and oversee the transition of services and facilities from TYC and

TJPC into the new Department. Establishes a 13-member advisory council on juvenile services with members serving staggered two year terms. *See* Title 12, Hum. Res. Code.

SB 1208 – Effective 9/1/11.

Extends the juvenile court's jurisdiction over a juvenile on determinate sentence probation until the juvenile reaches 19 years of age, rather than 18. *See* § 54.04, Fam. Code.

SB 1209 – Effective 9/1/11.

Permits a juvenile court to order a child who is under 17 years of age who has been transferred for prosecution in a criminal court for a felony to be detained in a juvenile detention facility. Requires a juvenile board to establish a policy regarding transfer and detention of a person less than 17 years of age who is pending criminal prosecution in an adult trial. Authorizes the judge of the criminal court with jurisdiction over a child who is pending criminal prosecution to order the child to be transferred to another facility and treated as an adult. Specifies that a person who has been transferred for prosecution in a criminal court for a felony who is under 17 years of age is considered a child and would be required to be separated from adults detained in the same building. Requires district courts to give preference to cases pending against children transferred to criminal court when the child is detained with adults. *See* §§ 51.12, 51.13, 54.02, Fam. Code; § 152.0015, Hum. Res. Code; Art. 4.19, Code of Crim. Proc.; § 23.101, Gov't Code.

SB 1421 Effective - 9/1/11.

Authorizes county, justice and municipal courts exercising jurisdiction over a juvenile to access information in the juvenile justice information system. *See* § 58.106, Fam. Code. *See also Open Records.*

SB 1617 – Effective 9/1/11.

Permits a juvenile court to reconsider a decision to retain jurisdiction over an offense alleged to have been committed by a juvenile if the offense came out of a criminal transaction for which the juvenile court retained jurisdiction over other offenses related to the transaction; and on or before the date the juvenile court retained its jurisdiction, one or more of the elements of the offense had not occurred. Applies option only if the second prosecution was for murder, capital murder, manslaughter, criminally negligent homicide, or intoxication manslaughter. *See* § 54.02, Fam. Code.

Magisterial Duties

HB 976 – Effective 6/17/11.

Continues current practice of authorizing magistrates to issue arrest warrant when person makes oath before magistrate that another has committed a criminal offense. Allows person making oath to appear before magistrate through an electronic broadcast system instead of only in person as is the case under current law. *See* Art.15.03, Code of Crim. Proc.

Office of Court Administration

HB 79, Article 7 (First Called Session) – Effective 1/1/12.

Provides guidelines for the determination of cases requiring additional resources. Creates the Judicial Committee for Additional Resources. The Committee's primary function is to evaluate special needs cases or extraordinary events impacting the courts and to direct additional resources to those cases. Such additional resources can include the assignment of visiting judges, additional legal and administrative personnel, information and communication technology, specialized continuing education, and special accommodations or furnishings. No funding is appropriated for additional resources but creation of the Committee provides a legal structure for the assignment of judicial resources. The Committee is composed of the Chief Justice of the Supreme Court and the nine presiding judges of the administrative judicial regions. The Chief Justice serves as the Committee's presiding officer. The Office of Court Administration provides staff support to the Committee. Requires the Supreme Court to adopt rules under which the courts, the presiding judges of the administrative judicial regions, and the Committee may determine whether a civil case requires additional resources to ensure efficient judicial management of the case. *See* §§ 74.251-74.257, Gov't Code. *See also Judicial Administration; Supreme Court.*

HB 79, Article 8 (First Called Session) – Effective 1/1/12.

Directs the Office of Court Administration to develop and administer a program to provide grants from available funds to counties for initiatives that will enhance their court systems. The Judicial Committee for Additional Resources is to determine whether to award a grant. However, no state funds may be used to provide a grant. Gifts, grants and donations may

be accepted. Additionally, no state funds may be used to administer the grant program. *See* § 72.029, Gov't Code.

HB 79, Article 9 (First Called Session) – Effective 1/1/12.

Permits a person found to be a vexatious litigant to appeal the order of a court prohibiting the person from filing new litigation in propria persona in the courts of Texas. Additionally, authorizes a litigant to challenge by means of an application for a writ of mandamus with the court of appeals, the decision of a local administrative judge denying the litigant special permission to file a litigation. Prohibits the clerk of a court from filing any original proceeding, appeal or other claim presented by a vexatious litigant except for the appeal and application for writ of mandamus mentioned above. Requires the clerk of a court to provide the Office of Court Administration with a copy of any prefiling order issued under Section 11.101 of the Civil Practice and Remedies Code not later than the 30th day after the date the prefiling order is signed. Clerks are currently required to make such a report, but the 30-day directive is new. Requires the Office of Court Administration to post a list of vexatious litigants subject to prefiling orders on the Office's Internet website. Further directs that, upon the request of a person on the list, the list indicate whether the person has filed an appeal of the prefiling order. *See* §§ 11.101 - 11.104, Civ. Prac. & Rem. Code. *See also Appellate Courts; County Clerks; District Clerks; Supreme Court.*

HB 79, Article 10 (First Called Session) – Effective 1/1/12.

Directs the Office of Court Administration to conduct a study regarding the feasibility, efficiency, and potential cost of converting statutory county courts with civil case jurisdiction in excess of \$200,000 into district courts. *See* ARTICLE 10 of HB 79.

HB 174 – Effective 9/1/11.

Requires the Juror Questionnaire developed and maintained by the Office of Court Administration to notify a person who states he or she is not a citizen, that the person will no longer be eligible to vote if the person fails to provide proof of citizenship. Also, requires a similar notice on a jury summons. *See* §§ 62.0132, 62.0142 Gov't Code. *See also Juries.*

HB 1614 – Effective 9/1/11.

Allows the Process Server Review Board to recommend fees to the Texas Supreme Court that would be charged for process server certification and certification renewal. The fees would have to be approved by the Texas Supreme Court before they

could be collected. Fees would be prorated to cover periods less than a full term. The Office of Court Administration would collect the fees, which would be sent to the comptroller for deposit into the General Revenue Fund. *See* §51.008, Government Code. *See also Other Court Actors.*

HB 1781 – Effective 6/17/11.

Requires the Supreme Court, the Court of Criminal Appeals, the intermediate courts of appeals, and OCA to identify obsolete reporting requirements. A report concerning such requirements is to be submitted to the governor and others by August 1, 2012. *See* §§ 2052.401, 2052.402, Gov't Code. *See also Appellate Courts; Court of Criminal Appeals; Supreme Court.*

HB 2014 – Effective 9/1/11.

Adds trafficking of persons and prostitution to list of offenses that affect an individual's ability to receive a TABC license or permit. Adds trafficking of persons and compelling prostitution to the list of offenses that, where the victim is a child and subject to certain other requirements, may justify a defendant being denied bail. Requires the court to order a defendant convicted of trafficking of persons or compelling prostitution when the victim is under 18 years of age to pay restitution for the victim's rehabilitation costs. Adds trafficking of persons and compelling prostitution to the list of crimes against children that require specific community supervision guidelines. Adds trafficking of persons and compelling prostitution to the list of offenses requiring the victim's age to be tracked in a computerized criminal history system. Requires district courts and county courts at law to report monthly the number of cases filed for trafficking of persons, prostitution, and compelling prostitution to the Office of Court Administration. Elevates soliciting a prostitute to a third degree felony if the person solicited is 14-18 years old and a second degree felony if the person solicited is younger than 14 years of age. Elevates employment of a child in a sexually oriented commercial activity from a Class A misdemeanor to a second degree felony, or a first degree felony if the child is younger than 4 years of age. *See* §§ 11.44(b), 11.46(c), 11.64(a), 61.42(c) Alcoholic Beverage Code, Arts. 17.153(a), 42.0372, 42.12 § 13B(b), 59.01(2), 60.051(g) Code Crim. Proc., § 71.0353, 411.042(b), 508.187(a), 772.006 (e) and (f) Gov't Code, §§ 25.08(c), 43.02(c), 43.251(c) Penal Code. *See also Criminal Law and Procedure.*

SB 1, Article 39 (First Called Session) – Effective 9/28/11.

Directs the Office of Court Administration to establish a “certification division” to oversee the regulatory programs assigned to the Office such as the Process Servers Certification Board, the Guardianship Certification Board, and the Court Reporter Certification Board. Directs that fees collected for process server certification (*see* HB 1614) be used for the support of regulatory programs for process servers, guardians, and court reporters. *See* §§ 51.008, 72.014, Gov’t Code. *See also* Other Court Actors.

SB 480 – Effective 6/17/11.

Requires municipal secretary to provide Texas Judicial Council with name of mayor, municipal judge, and municipal clerk within 30 days of election or appointment to office. *See* § 29.03, Gov’t Code. *See also Justices of the Peace and Municipal Judges.*

SB 701 – Effective 9/1/11.

Requires state agencies to post “high-value data sets”, which include, but are not limited to, data that is critical to the financial and programmatic function of an agency, in an open standard, raw data format on a generally accessible website. *See* § 2054.1265, Gov’t Code.

Open Records

HB 961 – Effective 6/17/11.

Makes records of a child convicted of a fine-only misdemeanor other than a traffic offense confidential once the child has satisfied the judgment. Such records may not be released to the general public. The records are open, however, to specified persons including the child and the child’s parents. Repeals provisions in Section 411.081(f-1) of the Government Code concerning orders of nondisclosure of such records. *See* Arts. 44.2811, 45.0217, Code of Crim. Proc.; § 58.00711, Family Code. *See also Justices of the Peace and Municipal Judges.*

HB 1559 – Effective 5/30/11.

Requires Texas State Library and Archives Commission to adopt rules for the retention of court documents filed prior to January 1, 1951. *See* §§ 441.025, 441.026, Gov’t Code.

HB 1573 – Effective 9/1/11.

Clarifies that an indictment may not be made public if the defendant is not in custody or under bond. *See* Art. 20.22, Code of Crim. Proc.

HB 2015 – Effective 9/1/11.

Clarifies that, in the context of the juvenile justice system, engaging in prostitution is conduct that indicates a minor’s need for supervision. Requires the sealing of records concerning a child found to have engaged in prostitution. *See* §§ 51.03(b), 58.003 Fam. Code. *See also Juvenile Justice.*

HB 2488 – Effective 5/30/11.

Requires custodian of medical, mental health, or drug or alcohol treatment record of a child that is privileged or confidential under other law to release the record, with certain exceptions related to drug or alcohol treatment records, to the child’s attorney ad litem, guardian ad litem, or amicus attorney without an additional order or release. *See* §§ 107.006, Fam. Code.

SB 407 – Effective 9/1/11.

Creates the offense of “electronic transmission of certain visual material depicting minor.” Establishes procedures related to such cases. Authorizes the sealing of records related to offenses committed by children. Requires the development of related educational programs. *See* Art. 6.09, Art. 42.12, Sec. 13H, 45.0216, 45.061, Code of Crim. Proc.; § 37.218, Educ. Code; § 54.0404, Family Code; § 43.261, Penal Code. *See also Criminal law and Procedure.*

SB 1421 Effective - 9/1/11.

Authorizes county, justice and municipal courts exercising jurisdiction over a juvenile to access information in the juvenile justice information system. *See* § 58.106, Fam. Code. *See also Juvenile Justice.*

Other Court Actors

HB 778 (SB 604, Identical Companion) – Effective 9/1/11.

Permits licensed jailers who have completed training program to execute lawful process (*e.g.*.. warrant, capias, subpoena, attachment) upon a person confined in the jail at which the jailer is employed, *See* Art. 2.31, Code of Crim. Proc.

HB 962 – Effective 1/1/12.

Eliminates the current requirement that a process server sign a return of service before a person

authorized by law to make affidavits such as a notary public. *See §§ 17.030, 17.065(b), Civ. Prac. & Rem. Code.*

HB 1381 – Effective 9/1/11.

Authorizes service of process on a TDCJ inmate by serving a designated employee at a particular TDCJ facility. *See § 17.029, Civ. Prac. & Rem. Code.*

HB 1614 – Effective 9/1/11.

Allows the Process Server Review Board to recommend fees to the Texas Supreme Court that would be charged for process server certification and certification renewal. The fees would have to be approved by the Texas Supreme Court before they could be collected. Fees would be prorated to cover periods less than a full term. The Office of Court Administration would collect the fees, which would be sent to the comptroller for deposit into the General Revenue Fund. *See §51.008, Government Code. See also Office of Court Administration; Supreme Court.*

SB 1, Article 39 (First Called Session) – Effective 9/28/11.

Directs the Office of Court Administration to establish a “certification division” to oversee the regulatory programs assigned to the Office such as the Process Server Review Board, the Guardianship Certification Board, and the Court Reporter Certification Board. Directs that fees collected for process server certification (*see HB 1614*) be used for the support of regulatory programs for process servers, guardians, and court reporters. *See §§ 51.008, 72.014, Gov’t Code. See also Office of Court Administration.*

SB 1, Article 39 (First Called Session) – Effective 9/28/11.

Clarifies that a person appointed to the Process Server Review Board serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in traveling and performing board duties. *See § 72.013, Gov’t Code. See also Office of Court Administration; Supreme Court.*

SB 604 (HB 778, Identical Companion) – Effective 9/1/11.

Permits licensed jailers who have completed training program to execute lawful process (*e.g.*, warrant, capias, subpoena, attachment) upon a person confined in the jail at which the jailer is employed, *See Article 2.31, Code of Crim. Proc.*

SB 652 – Effective 6/17/11.

Changes the sunset date of several agencies and boards, including the Court Reporters Certification Board (from 9/1/15 to 9/1/17), Process Server Review Board (reviewed by 9/1/17 but may not be abolished), Licensed Court Interpreter Advisory Board (from 9/1/13 to 9/1/17), State Bar (from 9/1/15 to 9/1/17), and the Board of Law Examiners (from 9/1/15 to 9/1/17). *See §§ 52.014, 57.051, 72.091, 81.003, 82.006, Gov’t Code.*

SB 877 – Effective 5/19/11.

Provides that a surety is to be released from liability by filing an affidavit with the sheriff’s office in the county where the prosecution is pending and the office of the prosecuting attorney stating that the accused is in custody. Requires, upon receipt, the sheriff to verify incarceration, thereafter contacting the magistrate for a warrant. Affidavit and verification must be filed in court file. *See Art. 17.16, Code of Crim. Proc.*

SB 1233 – Effective 6/17/11.

Authorizes court in border county to appoint a language interpreter who is not a licensed court interpreter. *See § 57.002(d-1), Gov’t Code.*

Probate, Guardianships and Mental Health

HB 167 – Effective 9/1/11.

Permits court to authorize transportation of person to mental health facility by, in order of priority, a special officer for mental health assignment, the facility administrator of the designated mental health facility, a relative or other responsible person, a representative of the local mental health authority, a qualified transportation service provider selected from a list established by the county commissioners court, or the sheriff or constable. Authorizes the commissioners court to establish and maintain a list of qualified transportation service providers, establish procedures for a person to be included on the list, and contract with qualified service providers. Requires the Department of State Health Services to prescribe uniform standards that must be met to be listed as a qualified transportation service provider and standards governing how the transportation of a person to a mental health facility must be provided. *See §§ 574.045, 574.0455, Health & Safety Code.*

HB 549 – Effective 6/17/11.

Prohibits a person otherwise authorized to control the disposition of a decedent’s remains from controlling the disposition if the person has been indicted for an

offense involving family violence in connection with the decedent's death. Makes the court's authority under Section 115(c), Probate Code, to limit the right of a surviving spouse to control the burial and interment or cremation of the deceased spouse subject to this prohibition. *See* § 711.001, Health & Safety Code; § 115(c), Probate Code.

HB 1829 – Effective 9/1/11.

Adds to a judge's and magistrate's authority to permit a physician to present an application for emergency detention of a person with a mental illness by secure electronic means the ability to permit the application as a secure attachment to an email. Authorizes the judge or magistrate to transmit a warrant to the applicant electronically if a digital signature is transmitted or by email if the warrant is attached as a secure document and the identifiable legal signature of the judge or magistrate is transmitted. *See* §§ 573.012, 573.022, Health & Safety Code.

HB 1830 – Effective 6/17/11.

Authorizes statutory probate court associate judges to give notice to parties by electronic mail. *See* § 54.614, Gov't Code.

HB 2096 – Effective 09/01/11.

Provides that a patient in a mental health facility who files a writ of habeas corpus must file in the court of appeals for the county in which the commitment order was entered. *See* § 576.003, Health & Safety Code.

HB 3342 - Effective 6/17/11.

Relates to representation of and by the state and joinder of the state in certain mental health proceedings. Requires that a petition for a writ of habeas corpus arising from a commitment order be filed in the court of appeals for the county in which the order is entered and adds a requirement of representation by the state in a hearing held under Subchapter G, Chapter 574 of the Health and Safety Code. *See* §§ 571.016, 571.0167 Health and Safety Code.

SB 1, Article 66 (First Called Session) – Effective 9/28/11.

Amends provisions regarding in-state transfers of guardianship matters; transfer instead of removal; standard is best interest of the ward. Amends provisions regarding acceptance of out-of-state guardianships. Permits assessment of fees and costs against party seeking court's jurisdiction if the party engaged in unjustifiable conduct. *See* §§ 263.601

263.603, 263.609, Family Code; §§ 612-619, 892-894, Probate Code.

SB 118 – Effective 9/1/11.

Authorizes judge to order a proposed patient to receive court-ordered extended outpatient mental health services if patient has received a total of at least 60 days (rather than consecutive days) of court-ordered inpatient mental health services within the preceding 12 months. Also authorizes the judge to order extended outpatient mental health services if a patient has received court-ordered outpatient mental health services under Subtitle C, Title 7, Health and Safety Code, or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure, during the preceding 60 days. Requires that an application for inpatient mental health services must state that the person has received court-ordered inpatient mental health services under Subtitle C, Title 7, Health and Safety Code, or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure, for at least 60 consecutive days during the preceding 12 months. *See* §§ 574.002(b), 574.035(b), Health & Safety Code.

SB 220 – Effective 9/1/11.

When issuing a citation stating that an application for guardianship was filed, requires a court clerk to include a statement informing certain persons of their right to notice concerning the guardianship proceedings. Permits a ward or proposed ward to retain an attorney instead of accepting representation by an attorney ad litem. In a proceeding to remove a guardian for bad acts, requires the court to appoint a guardian ad litem and an attorney ad litem (or one person in the dual role, unless a conflict exists). *See* § 111.042(a) Gov't Code, § 32.02451 Human Resources Code, §§ 161.109, 161.111, 161.114 Human Resources Code, §§ 633, 670, 682, 697B, 761 Probate Code. *See also County Clerks.*

SB 481 – Effective 9/1/11.

Requires the court clerk to issue notice of an order removing a guardian without prior notice under certain portions of Section 761, Probate Code. Requires that the removed guardian be served not later than the seventh day after the removal order was signed. Extends the time period within which the removed guardian may file for reinstatement from 10 to 30 days. Requires that a court hold a hearing on an application for reinstatement as soon as practicable, but not later than 60 days after the removal order was signed. *See* §§ 761, 762, Probate Code.

SB 1196 – Effective 9/1/11.

Amends numerous provisions of the guardianship chapter, Chapter XIII, of the Probate Code, including requiring all guardianship proceedings to be filed and heard in a court exercising original probate jurisdiction and explicitly defining matters related to a guardianship proceeding for counties without a statutory probate court. Also describes guardianship jurisdiction for the various courts, clarifies certain attorney ad litem appointment issues, and replaces the five percent limit on compensation with a reasonable compensation standard. *See Chapter XII, Probate Code.*

SB 1198 – Article 1 of SB 1198 effective 9/1/11, except Section 37A, Probate Code takes effect 6/17/11. Article 2 takes effect 1/1/14.

Amends Probate Code and Estates Code regarding venue, jurisdiction, heirship proceedings, notices, and independent administration. Requires case files maintained by the county clerk for each decedent's estate in which a probate proceeding has been filed to contain all affidavits in lieu of inventories, appraisements, and lists of claims. Prohibits a survivorship agreement to create a right of survivorship in community property from being inferred from the mere fact that an account is a joint account or that the account is designated as JT TEN, Joint Tenancy, or joint, or with other similar language. Makes changes relating to formalities of an agreement for a right of survivorship in community property and specifies that those changes are intended to overturn the ruling of the Texas Supreme court in *Holmes v. Beatty*, 290 S.W.3rd 852 (Tex.2009). Authorizes judge of a county court in a county in which there is no statutory probate court or county court at law exercising original probate jurisdiction, if that judge requests the assignment of a statutory probate court judge to hear a contested matter in a probate proceeding on the judge's own motion or on the motion of a party to the proceeding, to request that the statutory probate court judge be assigned to the entire proceeding on the judge's own motion or on the motion of a party. Specifies that a statutory probate court judge assigned to an entire probate proceeding, as an alternative to a contested matter in the proceeding, has the jurisdiction and authority granted to a statutory probate court. Requires a statutory probate court judge assigned to the entire probate proceeding, on resolution of the contested matter in the proceeding, including any appeal of the matter, to return the entire proceeding to the county court for further proceedings not inconsistent with the orders of the statutory probate court or court of appeals, as applicable. *See §§ 4D, 6, 6A, 6B, 6C, 6D, 8, 8A, 8B, 452, Probate Code.*

Protective Orders

HB 649 – Effective 9/1/11.

Requires a court to issue a protective order where there are reasonable grounds to believe the applicant is the victim of sexual assault. Removes existing requirements that victim be under 18 years of age or in threat of further harm. *See Arts. 7A.03, 7A.07 Code Crim. Proc.*

HB 905 - Effective 9/1/11.

Provides that a hearsay statement of child victim of family violence is admissible on an application for a protective order. Applies only to applications made on or after the effective date. *See § 84.006, Family Code.*

HB 1721 – Effective 9/1/11.

Requires a court to issue a protective order if it finds that probable cause exists to believe the defendant committed the offense of stalking and that the defendant is likely to engage in future conduct prohibited by the stalking statute [§ 42.072(a)(1), (2), or (3) Penal Code]. Allows the hearsay statement of a child victim younger than 14 years old to be admitted as evidence in a hearing on an application for protective order. *See Arts. 6.09, 7A.035 Code Crim. Proc.*

HB 2329 – Effective 9/1/11.

Authorizes county-level courts and district courts to issue protective orders for victims of human trafficking. Allows victims of human trafficking to use a pseudonym instead of the victim's name in all public records concerning the trafficking offense. *See Chapter 7B, Code of Crim. Proc.*

HB 2624 – Effective 9/1/11.

When the respondent is a member of the military, requires court clerks to provide a copy of a protective order to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the respondent is assigned with the intent that the commanding officer will be notified. Requires peace officers investigating family violence to provide written notice to the staff judge advocate or provost marshal, when the suspect is a military member. Requires court clerks to provide written notice of convictions and deferred adjudications related to family violence to the staff judge advocate or provost marshal, when the defendant is a military member. Requires the presentence investigation of a military member who has served in active-duty status to determine whether the defendant may suffer from post-traumatic stress

disorder or a traumatic brain injury and to include the defendant's military discharge records and military records. *See* § 85.042 Fam. Code, Arts. 5.05, 42.0182, 42.12 Code Crim. Proc. *See also County Clerks; District Clerks.*

SB 116 – Effective 6/17/11.

Expands the definition of dating violence in the context of protective orders, to include acts against a victim who is targeted for being in a relationship with the actor's former romantic partner. *See* §§ 71.0021, 82.002 Family Code.

SB 218 – Effective 9/1/11.

Prohibits the Department of Family and Protective Services from entering into case closure agreements requiring the adult residing with a child to take actions after the case is closed to ensure the child's safety. Establishes procedures for investigations in which the Department discovers a child younger than 11 years of age has a sexually transmitted disease. Authorizes issuance of a protective order as an alternative to removal of a perpetrator. Requires the Department to collaborate with parents in developing or modifying a service plan. Waives the drivers license fee for a youth in the Department's conservatorship. Authorizes foster care redesign. *See* §§ 261.3013, 262.010, 262.1015, 263.103, 263.104, 263.106, 264.118 Family Code, § 411.114(3)(a) Gov't Code, § 40.036 Human Resources Code, § 521.1811 Transportation Code. *See also Family Law.*

SB 221 – Effective 9/1/11.

Among several amendments to laws relating to protective services for elderly and disabled persons, specifies that an emergency order authorizing protective services for an elderly or disabled person for which consent cannot be obtained expires on the earlier of the end of the 10th day after the order is rendered or the end of the 10th day after the person was removed to safer surroundings if the order was rendered after the removal of the person to safer surroundings, rather than expiring at the end of 72 hours from the time the order is rendered. Authorizes the court to extend the emergency order after notice and hearing for a period of not more than 30 days and also to extend the order a second time for not more than an additional 30 days after notice and hearing. *See* § 59.006, Fin. Code; § 411.114, Gov't Code; § 142.018, Health & Safety Code; §§ 40.0315, 48.002, 48.006, 48.053, 48.151, 48.152, 48.1522, 48.154, 48.203, 48.204, 48.208, 48.405, Hum. Res. Code.

SB 250 – Effective 9/1/11.

Authorizes stalking victims to seek protective orders. *See* Arts. 7A.01, 7A.02, 7A.03 Code of Crim. Proc.

SB 279 – Effective 9/1/11.

Allows a court to include in a protective order a prohibition from removing, harming, or threatening a pet or assistance animal belonging to the person named in the order. *See* §§ 85.021, 85.022 Family Code, § 25.07 Penal Code.

SB 789 – Effective 9/1/11.

For a protective order against family violence lasting more than 2 years, requires a finding that the person who is the subject of the order either caused serious bodily injury to the applicant or was the subject of two or more protective orders rendered to protect the same applicant. *See* §§ 85.001, 85.025, 87.002 Family Code.

SB 819 – Effective 9/1/11.

Establishes that a court may enforce a protective order issued by another court and that a motion for enforcement may be filed in the county of the issuing court, the county in which a party resides, or the county in which a violation occurs. Allows a child in a dating relationship to seek a protective order. Permits a child's statement signed under oath on an application for temporary ex parte order. Allows a court to recess a temporary ex parte order hearing to contact the respondent by telephone and give the respondent a chance to appear. Requires the penalties of violating a protective order to be listed on the order. *See* §§ 81.010, 82.02, 82.09, 83.006, 85.026 Family Code.

Specialty Courts

HB 1771 – Effective 6/17/11.

Creates Specialty Courts Advisory Council within criminal justice division of Governor's Office to evaluate applications for grant funding for specialty courts and make funding recommendations to criminal justice division. *See* § 772.0061, Gov't Code.

HB 2496 – Effective 9/1/11.

Creates guidelines for teen dating violence court programs. Authorizes court to dismiss case with prejudice if child provides satisfactory evidence that child has successfully completed the program. Also requires courts to track the number of children ordered to participate in teen dating violence court programs, the percentage of victims who meet with

the teen victim advocate, and the compliance rate of children ordered to participate in the program. *See* § 54.0325, Fam. Code and § 103.0210, Gov't Code.

Supreme Court

HB 79, Article 2 (First Called Session) – Effective 1/1/12.

Redacts surplus language regarding the issuance of writs of mandamus by the Supreme Court. *See* § 22.002, Gov't Code.

HB 79, Article 5 (First Called Session) – Effective 5/1/13.

Discontinues small claims courts on May 1, 2013. Directs justices of the peace to transfer all cases pending in the small claims court to the justice court immediately before May 1, 2013. Calls for justice courts, beginning May 1, 2013, to conduct justice court proceedings in small claims cases in accordance with new rules of civil procedure promulgated by the Supreme Court. Directs the Supreme Court to promulgate the new rules not later than May 1, 2013. The new rules must define the term “small claims cases.” The new rules must ensure the fair, expeditious, and inexpensive resolution of small claims cases. Other guidelines for the new rules are delineated. Also requires the Supreme Court to promulgate rules providing specific procedures for actions by: (1) an assignee of a claims or other person seeking to bring an action on an assigned claim; (2) a person primarily engaged in the business of lending money at interest; and (3) a collection agency or collection agent. None of the foregoing rules promulgated by the Supreme Court are require that a party in a case be represented by an attorney. Another requirement is that the rules may not be so complex that a reasonable person without legal training would have difficulty understanding or applying the rules. Any committee established by the Supreme Court to recommend the rules to be adopted is required to include justices of the peace. Separate and apart from the foregoing rules, requires the Supreme Court to promulgate rules for eviction proceedings by May 1, 2013. *See* §§ 27.060, Chapter 28, Gov't Code. *See also Court Jurisdiction; Justices of the Peace and Municipal Judges.*

HB 79, Article 7 (First Called Session) – Effective 1/1/12.

Provides guidelines for the determination of cases requiring additional resources. Creates the Judicial Committee for Additional Resources. The

Committee's primary function is to evaluate special needs cases or extraordinary events impacting the courts and to direct additional resources to those cases. Such additional resources can include the assignment of visiting judges, additional legal and administrative personnel, information and communication technology, specialized continuing education, and special accommodations or furnishings. No funding is appropriated for additional resources but creation of the Committee provides a legal structure for the assignment of judicial resources. The Committee is composed of the Chief Justice of the Supreme Court and the nine presiding judges of the administrative judicial regions. The Chief Justice serves as the Committee's presiding officer. The Office of Court Administration provides staff support to the Committee. Requires the Supreme Court to adopt rules under which the courts, the presiding judges of the administrative judicial regions, and the Committee may determine whether a civil case requires additional resources to ensure efficient judicial management of the case. *See* §§ 74.251-74.257, Gov't Code. *See also Judicial Administration; Office of Court Administration.*

HB 79, Article 7 (First Called Session) – Effective 1/1/12.

Requires the Supreme Court to request the president of the State Bar of Texas to appoint a task force to consider and make recommendations regarding rules for determining whether civil cases pending in a trial court require additional resources for efficient judicial management. The task force is include judges and attorneys. The task force is to provide recommendations on the rules to the Supreme Court by March 1, 2012. Then the Supreme Court is to consider the recommendations of the task force and adopt rules by May 1, 2012. *See* SECTION 7.05 of HB 79.

HB 79, Article 8 (First Called Session) – Effective 1/1/12.

Directs the Permanent Judicial Commission for Children, Youth and Families, which is established by the Supreme Court, to develop and administer a program to provide grants from available funds for initiatives that will improve safety and permanency outcomes, enhance due process, or increase the timeliness of resolution in child protection cases. However, no state funds may be used to provide a grant. Gifts, grants and donations may be accepted. Additionally, no state funds may be used to administer the grant program. *See* § 22.017, Gov't Code.

HB 79, Article 9 (First Called Session) – Effective 1/1/12.

Permits a person found to be a vexatious litigant to appeal the order of a court prohibiting the person from filing new litigation in propria persona in the courts of Texas. Additionally, authorizes a litigant to challenge by means of an application for a writ of mandamus with the court of appeals, the decision of a local administrative judge denying the litigant special permission to file a litigation. Prohibits the clerk of a court from filing any original proceeding, appeal or other claim presented by a vexatious litigant except for the appeal and application for writ of mandamus mentioned above. Requires the clerk of a court to provide the Office of Court Administration with a copy of any prefiling order issued under Section 11.101 of the Civil Practice and Remedies Code not later than the 30th day after the date the prefiling order is signed. Clerks are currently required to make such a report, but the 30-day directive is new. Requires the Office of Court Administration to post a list of vexatious litigants subject to prefiling orders on the Office's Internet website. Further directs that, upon the request of a person on the list, the list indicate whether the person has filed an appeal of the prefiling order. *See §§ 11.101 - 11.104, Civ. Prac. & Rem. Code.* *See also Appellate Courts; County Clerks; District Clerks; Office of Court Administration.*

HB 79, Article 14 (First Called Session) – Effective 1/1/12.

Updates terminology used in statute on filing fees in the Supreme Court and the courts of appeals. *See §§ 51.005, 51.207, Gov't Code.* *See also Appellate Courts; Costs, Fees, Fines and Collections.*

HB 274 – Effective 9/1/11.

Requires Supreme Court to adopt rules providing for the dismissal of causes of action having no basis in law or fact. Also requires Supreme Court to adopt rules promoting the prompt, efficient, and cost-effective resolution of civil actions. Addresses calculation of "litigation costs." *See § 42.004(d), Civ. Prac. & Rem. Code;* § 22.004, Gov't Code.

HB 906 – Effective 9/1/11.

Amends appellate procedures for child protection cases, including making final orders subject to procedures for accelerated appeals and requiring that information regarding the appeals process be included in the final order. Also requires Supreme Court to adopt rules related to accelerated disposition of these cases by the appellate courts and requires that an attorney appointed for an indigent parent continue to represent the parent until all appeals are

exhausted or the attorney is relieved or replaced by the court. *See §§ 107.013, 107.016, 109.002(a), 263.405(a), (b) and (c), Fam. Code.* *See also Associate Judges; Family Law.*

HB 962 – Effective 1/1/12.

Requires Supreme Court to adopt rules of civil procedure requiring a person who serves process to complete a return of service. *See §§ 17.030, 17.065(b), Civ. Prac. & Rem. Code.*

HB 1228 Effective 9/1/11.

Requires the Supreme Court to adopt rules establishing expedited foreclosure proceedings for use by a property owner's association in foreclosing an assessment lien. The rules must be adopted by January 1, 2012. *See § 209.0092, Property Code.*

HB 1614 – Effective 9/1/11.

Allows the Process Server Review Board to recommend fees to the Texas Supreme Court that would be charged for process server certification and certification renewal. The fees would have to be approved by the Texas Supreme Court before they could be collected. Fees would be prorated to cover periods less than a full term. The Office of Court Administration would collect the fees, which would be sent to the comptroller for deposit into the General Revenue Fund. *See § 51.008, Government Code.* *See also Office of Court Administration; Other Court Actors.*

HB 1781 – Effective 6/17/11.

Requires the Supreme Court, the Court of Criminal Appeals, the intermediate courts of appeals, and OCA to identify obsolete reporting requirements. A report concerning such requirements is to be submitted to the governor and others by August 1, 2012. *See §§ 2052.401, 2052.402, Gov't Code.* *See also Appellate Courts; Court of Criminal Appeals; Office of Court Administration.*

SB 1, Article 79A (First Called Session) – Effective 9/28/11.

Makes certain peace officer vouchers confidential for a period of 18 months. Specifically, the vouchers are those submitted for payment or reimbursement of a travel expense incurred while assigned to provide protection for a state elected official or a member of the elected official's family. The Supreme Court is given original and exclusive mandamus jurisdiction over any dispute pertaining to the construction, applicability or constitutionality of the confidentiality provision. The Supreme Court may appoint a master to assist in the resolution of any dispute. Also, the Supreme Court may adopt rules as necessary to

govern the procedures for the resolution of any such dispute. *See* § 660.2035, Gov't Code.