

# Texas Judiciary Legislative Update

**Texas Judicial Council**  
86th Legislature





# From the Executive Director

The 86th Texas Legislature passed numerous laws that will bring profound change to the Texas Judiciary. From statutory revisions that will allow courts to improve their response to natural disasters to overhauling judicial compensation and increasing accountability in our guardianship system, the changes will have a lasting effect.

In all, more than 1800 bills were filed that impacted the third branch, and the Office of Court Administration also analyzed and drafted 1252 fiscal notes for the Legislative Budget Board. The Texas Judicial Council, the policy making body for the Judiciary, found success in multiple policy areas including new laws that will:

- ✔ Clarify outpatient mental health commitment standards and processes;
- ✔ Increase oversight and support to drug courts and other specialty courts;
- ✔ Expand jurisdiction of Children's Courts to oversee cases of youth involved in both the Juvenile Justice and CPS systems;
- ✔ Increase the civil jurisdiction of Justice and Constitutional County Courts to \$20,000;
- ✔ Provide a pathway for the judiciary to begin collecting case level data;
- ✔ Expand the review of guardianship cases statewide;
- ✔ Provide increased flexibility for courts to respond to natural disasters;
- ✔ Protect judges' address and other identifying information to increase court security; and
- ✔ Award judicial longevity with a new tiered compensation system.

The following report briefly summarizes new legislation directly impacting the Texas court system, judges, clerks, lawyers and other judicial actors and personnel. No attempt is made to cover substantive areas of the law in detail. We hope the report will be a useful resource for the judicial and legal community and all those interested in the administration of justice.

David Slayton



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## Funding the Judiciary

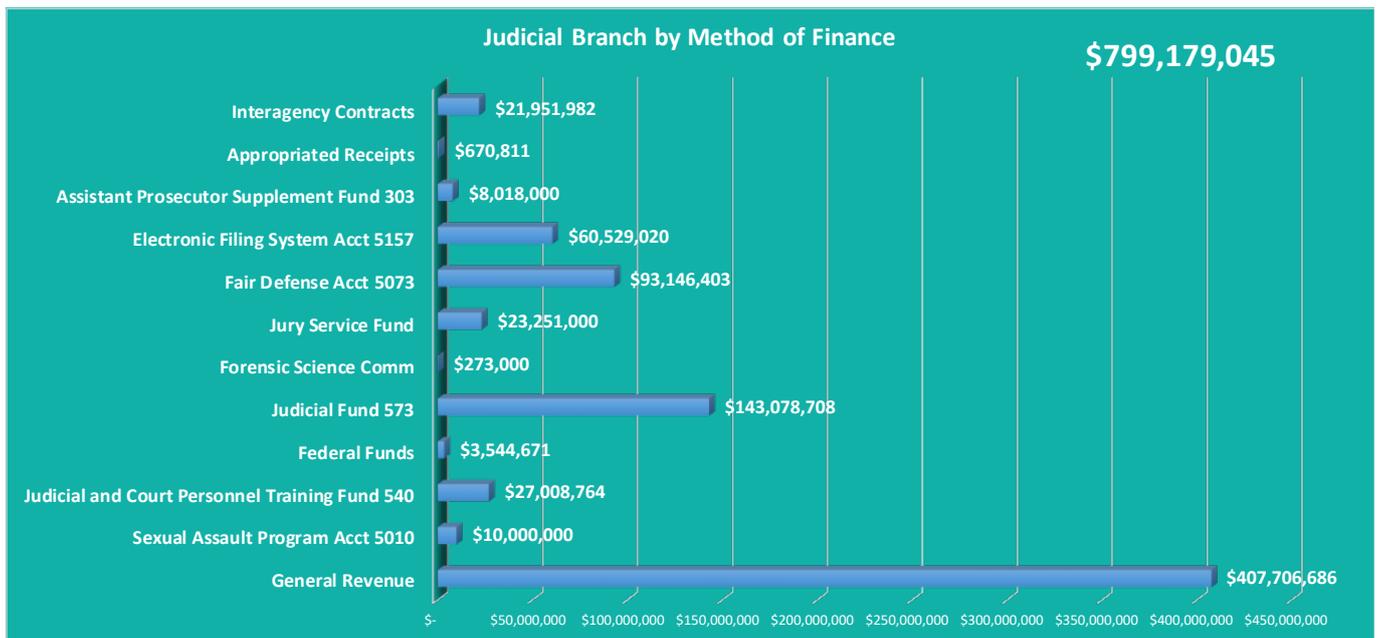
The Texas Judicial Branch courts and agencies collectively submitted a total biennial budget request of \$669 million. Exceptional Item requests totaled \$166 million bringing the total request to \$835 million.

The Conference Committee Report for House Bill 1 (CCR HB1) approved by the 86th Legislature appropriated a total of \$799 million to the Judicial Branch courts and agencies. Contingency Riders add approximately \$41 million more to the budget. This funding level is an additional \$76.9 million or 9% biennial increase from 2018-2019 spending levels. CCR HB1 provides a total of 1,540.6 FTEs, an increase of 63.8 FTEs from 2018-2019 levels. The entire budget for the third branch of government makes up 0.4% of the state budget of Texas.

FY 2020-2021 Total Funding - All Judiciary	
Supreme Court	\$93,482,838
Court of Criminal Appeals	\$41,487,782
1st COA	\$9,653,495
2nd COA	\$7,595,403
3rd COA	\$6,324,988
4th COA	\$7,460,068
5th COA	\$13,301,338
6th COA	\$3,462,831
7th COA	\$4,355,053
8th COA	\$3,486,094
9th COA	\$4,411,934
10th COA	\$3,464,119
11th COA	\$3,400,300
12th COA	\$3,497,410
13th COA	\$6,360,879
14th COA	\$9,888,985
Office of Court Administration	\$221,762,952
Capital and Forensic Writs	\$3,710,691
State Prosecuting Attorney	\$917,167
State Law Library	\$2,240,639
State Commission on Judicial Conduct	\$2,509,377
Judiciary Section, Comptroller's Dept.	\$346,404,702
<b>Total</b>	<b>\$799,179,045</b>



## Funding the Judiciary



FY2020-2021 Objects of Expense - All Judiciary	
Salaries and Wages	\$390,334,934
Other Personnel Costs	\$7,365,038
Professional Fees	\$30,479,712
Consumables	\$618,912
Utilities	\$519,050
Travel	\$3,246,611
Fuels/Lubricants	\$50,644
Rent-Building	\$814,800
Rent-Machine	\$363,720
Other Operating Exp	\$66,619,325
Grants	\$298,814,140
Capital Expenditures	(\$47,843)
<b>Total</b>	<b>\$799,179,043</b>





## Funding the Judiciary

FY 2020-2021 Total Funding - Appellate Courts	
Supreme Court	\$93,482,838
Court of Criminal Appeals	\$41,487,782
1st COA	\$9,653,495
2nd COA	\$7,595,403
3rd COA	\$6,324,988
4th COA	\$7,460,068
5th COA	\$13,301,338
6th COA	\$3,462,831
7th COA	\$4,355,053
8th COA	\$3,486,094
9th COA	\$4,411,934
10th COA	\$3,464,119
11th COA	\$3,400,300
12th COA	\$3,497,410
13th COA	\$6,360,879
14th COA	\$9,888,985
<b>Total</b>	<b>\$221,633,517</b>

FY 2020-2021 Total Funding - Judicial Agencies excluding the Appellate Courts	
Office of Court Administration	\$221,762,952
Office of Capital and Forensic Writs	\$3,710,691
Office of the State Prosecuting Attorney	\$917,167
State Law Library	\$2,240,639
State Commission on Judicial Conduct	\$2,509,377
Judiciary Section, Comptroller's Dept.	\$346,404,702
<b>Total</b>	<b>\$577,545,528</b>

METHOD OF FINANCE	2018-2019	2020-2021	INCREASE/(DECREASE)
General Revenue	\$352,355,801	\$407,706,686	\$55,350,885
Fair Defense Account	\$61,610,883	\$93,146,403	\$31,535,520
Judicial Fund 573	\$199,019,808	\$143,078,708	(\$55,941,100)
Judicial & Court Personnel Training Fund 540	\$23,878,485	\$27,008,764	\$3,130,279
Sexual Assault Prgm Fund 5010	\$9,600,000	\$10,000,000	\$400,000
E-Filing Account 5157	\$44,724,690	\$60,529,020	\$15,804,330
Asst Prosecutor Supp Fund 303	\$8,769,700	\$8,018,000	(\$751,700)
Federal Funds	\$4,044,655	\$3,544,671	(\$499,984)
Interagency Contracts	\$21,894,378	\$21,951,982	\$57,604
Appropriated Receipts	\$1,223,603	\$670,811	(\$552,792)
Forensic Science Commission Acct 5157	\$70,000	\$273,000	\$203,000
Jury Service Fund	\$0	\$23,251,000	\$23,251,000
<b>Total</b>	<b>\$727,192,003</b>	<b>\$799,179,045</b>	<b>\$71,987,042</b>



## Administration of the Courts

### **SB 40:** Effective 6/7/2019.

Allows a court, in the event of a disaster (as defined), to hold proceedings at an alternate location. Extends the effective period of an order modifying or suspending procedures for the conduct of any court proceeding due to a disaster to 90 days, which can be renewed by the Chief Justice of the Supreme Court. See GOV'T CODE §§22.0035(b), 24.0125, 24.033(b), 25.0016, 25.0019(b), 25.0032(b), 25.0035, 26.002(b-1), 26.009, 27.0515, 29.015, 30.000123.

### **SB 341:** Effective 9/1/2019.

Provides that only prosecutors (county attorneys with criminal jurisdiction, district attorneys, or criminal district attorneys or assistants) and assistant attorneys general may serve as an attorney pro tem. Eliminates payment to attorney pro tem for performing duties in a justice or municipal court. Clarifies that an attorney pro tem appointed to assist a Court of Inquiry in relation to the activities of the district or county attorney or the attorney's office is entitled to the same amount and manner of compensation as an attorney appointed to represent an indigent person. See CODE CRIM. PROC. Arts. 2.07, 52.09(c). Repeals CODE CRIM. PROC. Art. 2.07(g).

## Civil Law and Procedure

### **HB 36:** Effective 6/14/2019.

Expedites proceedings related to the enforcement of a municipal ordinance (in a municipality with a population of 500,000 or more) concerning dangerously damaged or deteriorated or substandard structures or improvements. See CIV. PRAC. & REM. CODE §51.014(a)(14), LOC. GOV'T CODE §§54.0155, 214.001(s), and 214.0012(i).

### **HB 621:** Effective 9/1/2019 (applies to action taken on or after this date).

Prohibits an employer from taking adverse employment action against a professional, as defined, who in good faith reports child abuse or neglect and authorizes a person who suffers adverse employment action in violation of the prohibition to sue for injunctive relief, damages, or both. See FAM. CODE §261.110.



## Civil Law and Procedure

**HB 687:** Effective 6/10/2019 (applies to action commenced on or after this date).

Redefines “recreation” to include rock climbing, which limits a land owner’s liability for rock climbing that occurs on the land owner’s premises. *See* CIV. PRAC. & REM. CODE §75.001(3).

**HB 883:** Effective 9/1/2019.

Authorizes a court in an Anti-Phishing Act suit to award up to three times the amount of actual damages when the victim is age 65 or older. *See* BUS. & COM. CODE §325.006(c) and (f).

**HB 1693:** Effective 9/1/2019 (applies to action commenced on or after this date).

Clarifies that an affidavit concerning cost and necessity of services is not evidence of, and does not support a finding of, the causation element of a civil action. Revises the deadlines by which the party offering the affidavit or a counter affidavit must serve the document and requires written notice of that service to the clerk. *See* CIV. PRAC. & REM. CODE §18.001(b), (d), (d-1), (d-2), (e), (e-1), (f), (g), and (h).

**HB 2730:** Effective 9/1/2019.

Clarifies the scope of current statutory provisions related to expedited dismissal procedures for lawsuits involving the exercise of free speech, the right of association, and the right to petition. *See* CIV. PRAC. & REM. CODE §§27.001, 27.003, 27.005 - .007, 27.0075, 27.009 - .010.

**HB 2757:** Effective 9/1/2019.

Clarifies that in an action governed by Texas law, the American Law Institute’s Restatements of the Law are not controlling. *See* CIV. PRAC. & REM. CODE §5.001.

**HB 3300:** Effective 9/1/2019 (applies to civil action commenced on or after this date).

Makes discretionary, rather than mandatory, the awarding of costs and attorney’s fees to the prevailing party on a motion to dismiss in a civil proceeding. *See* CIV. PRAC. & REM. CODE §30.021.

**HB 3365:** Effective 6/2/2019 (applies only to a cause of action accruing on or after this date).

Expands immunity from civil liability for an act or omission that occurs in giving care, assistance, or advice with respect to the management of an incident in a disaster, including a disaster declared by the U.S. President or by the governor, and in which the care, assistance, or advice is provided at the request of a charitable organization. *See* CIV. PRAC. & REM. CODE §79.003.



## Civil Law and Procedure

**HB 3809:** Effective 9/1/2019.

Extends the statute of limitations period for personal injury claims that arise from offenses related to the sexual assault or sexual abuse of a child. See CIV. PRAC. & REM. CODE §16.0045(a).

**SB 27:** Effective 9/1/2019 (applies to claims filed or regulatory action taken on or after this date).

Allows a party in a civil suit brought by a state agency to recover up to \$1 million for fees, expenses, and attorney's fees when the court finds the action frivolous and the action is dismissed or judgment is awarded to the party. Allows a court reviewing a decision in a contested case under the Administrative Procedure Act to award a person up to \$1 million for attorney's fees and costs in defending against a frivolous regulatory action if the person prevails on review and there is a determination that the action is frivolous. See CIV. PRAC. & REM. CODE §§105.002 and 105.003, GOV'T. CODE §2001.903.

**SB 827:** Effective 9/1/2019.

Prevents the judicial panel on multidistrict litigation from transferring a civil suit brought by the OAG or a district or county attorney under the Deceptive Trade Practices-Consumer Protection Act or the Texas Medicaid Fraud Prevention Act. Prohibits the Supreme Court from adopting rules in conflict with this prohibition. See GOV'T CODE §74.1625.

## Clerks

**HB 300:** Effective 6/10/2019.

Requires a justice of the peace to deposit all tangible evidence accumulated in an inquest with the appropriate law enforcement agency for safekeeping and eliminates option to deliver evidence to the district clerk for safekeeping. Requires district clerk to transfer inquest evidence to the appropriate law enforcement agency as soon as practicable. Eliminates requirement that justice of the peace must certify a copy of an inquest summary report and deliver it in a sealed envelope to the district clerk. Eliminates requirement that district clerk must retain the summary report subject to an order by the district court. Authorizes destruction of inquest summary report received and maintained by a district clerk in accordance with records retention schedule. See CODE CRIM. PROC. Art. 49.17.



## Clerks

**HB 685:** Effective 6/14/2019.

Provides that a court clerk, as defined, is not responsible for the management or removal of a document from a state court document database, as defined, and provides that the court clerk and the court clerk's county are not liable for damages resulting from the document's release if the clerk in good faith performed the clerk's duties as provided by law and the Texas Rules of Civil Procedure. See Gov'T CODE §51.609.

**HB 1494:** Effective 9/1/2019.

Requires each district clerk and county clerk to obtain a surety bond to cover each deputy clerk or other employee. See Gov'T CODE §51.309(b) and (b-1), and Loc. Gov'T CODE §82.002(a) and (c).

**HB 1528:** Effective 9/1/2019 (applies to offense committed on or after this date).

Prevents a defendant charged with a fine-only misdemeanor involving family violence from entering by mail or by delivery a plea and waiver of jury trial without a court appearance. Requires a defendant charged with an offense involving family violence to make a plea in open court and requires the court to admonish the defendant pleading guilty or nolo contendere either orally or in writing. Requires a court clerk, on disposition of a fine-only misdemeanor that involves family violence, to report information regarding the citation or arrest and case disposition to DPS using a uniform incident fingerprint card or a DPS-approved electronic method. See CODE CRIM. PROC. Arts 27.14(b) & (e), 45.0211, and 66.252(g).

**HB 1760:** Effective 9/1/2019 (applies to records created before, on, or after this date).

Updates code provisions related to the confidentiality, sharing, sealing, and destruction of juvenile records. Expands the list of parties who can inspect or copy juvenile court or juvenile court clerk records, but bars disclosure of any confidential information unless authorized by law. Changes the criteria that entitle a person referred to juvenile court for CINS to have all records sealed without application. Requires a juvenile court to immediately order the sealing of all records related to alleged conduct if the court enters a finding of not true on the allegations. Shortens the period a court must wait to order the sealing of records related to certain juveniles. Allows a court clerk to send a copy of the order sealing the records by any reasonable method, including certified mail, regular mail, or e-mail. Requires a juvenile court, upon a no probable cause determination, to order the destruction of records relating to conduct for which a child was referred to court without being taken into custody. See FAM. CODE §§58.007(b) and (c), 58.255(a), 58.2551, 58.256(c), 58.258(c), and 58.263.



## Clerks

**HB 2640:** Effective 9/1/2019.

Requires the county clerk, after each election, to prepare a report of the number of votes, including early votes cast by mail and early votes cast by personal appearance, received in each county election precinct for each candidate for office. Requires the county clerk, rather than the presiding officer, to deliver the report to the Secretary of State. *See* ELEC. CODE §67.017(a) and (b).

**HB 2767:** Effective 9/1/2019.

Allows a county clerk, upon applicant request, to email a marriage license in addition to mailing it. *See* FAM. CODE §2.208(a).

**SB 41:** Effective 9/1/2019.

In cases in which an appointment is necessary, exempts attorneys ad litem, guardians ad litem, amicus attorneys, and mediators from a court's rotating appointment system and from the clerk's court appointment report if the person provides free services or provides services as a volunteer with a nonprofit providing pro bono indigent legal aid. Allows off-rotation and off-list appointment of an attorney ad litem, guardian ad litem, or guardian if a state of disaster (as defined) is declared for the area within the 30 days before the appointment. *See* GOV'T CODE §§36.003(5) & (6), 37.002(5) & (6), and 37.004(d-1).

**SB 325:** Effective 9/1/2019.

Requires OCA, in consultation with DPS and the courts, to establish and maintain a centralized Internet-based registry for protective order applications filed and protective orders issued in Texas, including a magistrate's order for emergency protection. Requires the court clerk to enter the application and any order issued into the system within 24 hours of application filing or order issuance or modification. Requires OCA to establish and supervise a training program on registry use for magistrates, court staff, and peace officers. Requires the Supreme Court of Texas to prescribe a form for use by a person requesting a grant or removal of public access to information about protective orders and develop procedures for requesting a grant or removal of public access. *See* GOV'T CODE Ch. 72, Subch. F.

**SB 891:** Effective 9/1/2019.

Permits a district clerk to post an official and legal notice by electronic display instead of posting a physical document, in the manner provided for a county clerk. *See* GOV'T CODE §51.3032.

**SB 2128:** Effective 9/1/2019.

Provides a process for recording a tangible copy of an electronic record with the county clerk. *See* PROP. CODE §§12.0011(b)(3), 12.0013.



## Commissions, Committees, Councils, and Task Forces

**[HB 1501](#)**: Effective 9/1/2019.

Establishes the Texas Behavioral Health Executive Council to handle licensing, investigative, and enforcement matters for the behavior health occupations and allows for district court relief of certain Council actions. Binds the state, including the judicial branch, to the Psychology Interjurisdictional Compact. See Occ. CODE Ch. 507, and Ch. 501, Subch. L.

**[HB 2813](#)**: Effective 6/10/2019.

Establishes the Statewide Behavioral Health Coordinating Council, outlining its composition, powers, and duties. Requires the council to develop a 5-year statewide behavioral health strategic plan, a biennial expenditure proposal, and an annual inventory of behavioral health programs and services funded by the state. See GOV'T CODE Ch. 531, Subch. M-1.

**[HB 3040](#)**: Effective 6/14/2019.

Establishes the Texas Commission on Judicial Selection to study and review the method by which certain judges and justices are selected for office in Texas. Requires the Commission to deliver a report on its findings and recommendations by December 31, 2020, and abolishes the Commission on January 2, 2021.

**[HB 3116](#)**: Effective 9/1/2019.

Establishes a task force to comprehensively study best practice standards for the detention of a person with an intellectual or developmental disability. Requires the task force to submit a report on its findings and recommendations by December 1, 2020, and abolishes the task force on September 1, 2021.

**[HB 3316](#)**: Effective 9/1/2019.

Authorizes the Texas Crime Stoppers Council, a crime stoppers organization, or a person accepting information on behalf of the Council or an organization to accept tips from any person regarding criminal activity or threatening conduct that would be a danger to public safety or would disrupt school operations. Requires the record regarding a tip received by the crime stoppers, including the identity of the person who submitted the tip, to remain confidential. Allows the identity behind a tip to be shared when authorized and with a reasonable determination that failure to disclose the identity would lead to a probable physical injury. See GOV'T CODE §§414.0015, 414.002(b)-(e), 414.007, and 414.009(a).

**[HB 4390](#)**: Effective 9/1/2019.

Creates the Texas Privacy Protection Advisory Council to study data privacy laws and report its findings and recommendations to the Legislature by September 1, 2020 and abolishes the Council on December 31, 2020.



## Commissions, Committees, Councils, and Task Forces

**SB 72:** Effective 9/1/2019.

Requires the Office of the Attorney General to establish the Human Trafficking Prevention Coordinating Council to develop and implement a 5-year strategic plan for preventing human trafficking in Texas. See GOV'T CODE §402.034.

## Costs, Fees, Fines, and Collections

**HB 145:** Effective 9/1/2019.

Sets the default rate for fees for the services provided by the offices of the sheriff and constables, if the commissioners court does not set the fees, at the rate in effect for the preceding fiscal year (rather than in effect on August 31, 1981). See Loc. GOV'T CODE §118.131(h).

**HB 156:** Effective 9/1/2019 (applies to an order issued on or after this date, regardless of when the underlying offense occurred).

Allows a court granting an occupational driver's license to order the person receiving the license to submit to supervision to verify the person's compliance with the conditions specified in the order granting the license. Allows the court to order supervision by the local community supervision and corrections department or by the county personal bond office. Requires the court, if it selects the local community supervision and corrections department, to order the person to pay an administrative fee of \$25 to \$60. Allows the county personal bond office, if it selected to supervise the person, to collect a monthly administrative fee of \$25 to \$60 from the person. Makes the administrative fee provided by Government Code Section 76.015 inapplicable to a person required to pay the monthly administrative fee for occupational license conditions supervision. See TRANSP. CODE §§521.2462(a) and (a-1) – (a-3), GOV'T CODE 76.015(a-1).



## Costs, Fees, Fines, and Collections

**HB 435:** Effective 9/1/2019.

Authorizes a clerk, in the court in which a cost or fee was imposed in a civil case, to request a finding that a cost or fee unpaid for at least 15 years is uncollectible and authorizes the court to order the clerk to designate the cost or fee uncollectible in the fee record. New provision does not apply to cost or fee imposed by the Supreme Court, Court of Criminal Appeals, or a court of appeals. Makes Code of Criminal Procedure Art. 103.0081 (Uncollectible Fee) applicable to all Texas counties. See Gov'T CODE §51.609, CODE CRIM. PROC. Art. 103.0081.

**HB 770:** Effective 9/1/2019 (applies to suit pending in court or filed on or after this date).

Requires Office of Court Administration (OCA) to create and maintain a confidential, access-restricted database for settlement agreements for which the beneficiary is a minor or person who is incapacitated. Allows OCA to set and collect a fee up to \$50 per agreement, as court costs, to cover database maintenance. See Gov'T CODE §72.034.

**HB 1399:** Effective 9/1/2019 (applies to offense committed on or after this date).

Expands the list of felony offenses for which, if a defendant is arrested, a defendant must provide a DNA sample to create a DNA record. Requires law enforcement to destroy that sample on acquittal or dismissal or after an individual is found actually innocent of a crime for which the person was arrested. Requires a court to, as soon as practicable, provide notice of the acquittal or dismissal to law enforcement. Eliminates a defendant's ability to voluntarily provide a DNA specimen in connection with certain offenses. See Gov'T CODE §411.1471(a)(1), (e).

**HB 2048:** Effective 9/1/2019.

Repeals the driver responsibility program and makes repeal applicable to any surcharge pending on 9/1/2019, regardless of when imposed. Requires DPS to reinstate a driver's license suspended under the program as of 9/1/2019 if the only reason for the suspension is the failure to pay the surcharge. Requires the Department of Transportation to designate motor vehicle offenses that constitute a moving violation for certain court costs. Increases the state traffic fine to \$50 but decreases the amount a municipality or county may retain as a service fee to 4%. Requires a person finally convicted of an offense relating to the operation of a motor vehicle while intoxicated to pay a fine, permits a municipality or county that collects the fine to retain 4% as a service fee for collection, and requires 80% of the fees deposited with the comptroller to be used only for criminal justice purposes. See TRANSP. CODE §§542.304, 542.3041, and Ch. 709.



## Costs, Fees, Fines, and Collections

**HB 3361:** Effective 6/14/2019 (applies to case filed on or after this date).

Requires the clerk of each court that has an official court reporter in a county with a population of 750,000 or more and that is located on the Texas-Mexico border (El Paso County and Hidalgo County) to collect a court reporter fee of \$30 in each civil case filed with the clerk. See Gov'T CODE §51.601(a-1).

**SB 346:** Effective 1/1/2020.

Adds certain criminal court costs to the state consolidated court cost and creates a second consolidated local court cost. Reclassifies several court costs as fines. Creates a new category of reimbursement fees which are imposed to recover a cost for a service performed during the course of a case. Repeals certain court costs that were not being collected for criminal justice purposes. A convicted defendant now pays only two court costs: the state consolidated court cost and the local consolidated court costs, plus any of the fines that a judge imposes and any reimbursement fees applicable to the case. In addition:

- Amends the Code of Criminal Procedure and the Transportation Code by making changes to the assessment and collection of criminal court costs for defendants who are financially unable to pay their fines, fees, and costs imposed when arrested for, charged with, or convicted of certain criminal offenses;
- Requires a court to hold a hearing to determine whether the portion of fines, fees, and costs that pertain to the judgment of the case impose an undue hardship on the defendant and would have to consider allowing the defendant to satisfy the fines, fees, and costs through other methods including paying at a later date, performing community service, waiving the fine and costs in whole or in part, or a combination of methods; and
- Allows a court to reconsider the waiver of court costs and order the defendant to pay court costs if it is determined that the defendant has financial resources to do so on the court's own motion and during the community supervision period.

See Loc. Gov'T CODE Ch. 133, Subchs. A, C, and C-1, Ch. 134, and CODE CRIM. PROC. Arts. 102.0169, 102.017, 102.0172, 102.0173, 45.051(a-1), 1.053, 43.035, 43.05, 43.091, and Ch. 45, Subch. B

**SB 658:** Effective 9/1/2019.

Makes permanent the \$10 maximum amount district and county clerks may set for the Records Management and Preservation Fee and the Records Archive Fee. See Gov'T CODE §51.305(b), and Loc. Gov'T CODE §118.011(b), (f).



## County Courts and District Courts

**HB 380:** Effective 9/1/2019 (applies only to appeal filed on or after this date).

Entitles a property owner to appeal an order of the appraisal review board determining that the board lacks jurisdiction to finally determine a protest or a motion filed by the property owner because the owner failed to comply with a requirement of Tax Code Chapter 41, Subchapter C or Tax Code §25.25. Entitles the property owner who establishes the appraisal review board had jurisdiction to a final determination, by the court, of the protest or the motion filed. Allows the court to, where the property owner failed to exhaust administrative remedies and in lieu of dismissing the appeal for lack of jurisdiction, remand the action to the board with an opportunity to cure the defect. Allows for remand waiver by both parties and court determination of appeal on merits. See TAX CODE §42.01(a) and (c), §42.231.

**SB 891:** Effective 9/1/2019.

- Expands concurrent jurisdiction of the Bosque County Court at Law and allows court and district court to exchange benches, transfer cases, and assign cases to each other in matters of concurrent jurisdiction. Expands concurrent jurisdiction of Cooke County Court at Law in family law cases. Adds jury composition number for certain cases in the Kaufman County Court at Law. Clarifies concurrent jurisdiction of the Potter County Court at Law No.1. Clarifies the concurrent jurisdiction, jurisdiction in mental health matters, and jurisdiction in other certain cases of the Reeves County Court at Law. Requires notice of appeal, in addition to requirements of TRAP 25.1(e), to be served on each court reporter responsible for preparing the reporter's record. See GOV'T CODE §§25.0202(a) and (g), 25.0512(a) and (b), 25.1312(d), 25.1902(b-1), 25.1972(a)-(b) and (e)-(g).
- Eliminates the senior district judges for the first administrative judicial region appointment system.

**SB 2215:** Effective 6/10/2019.

Entitles the official court reporter and court administrator of the 1st MultiCounty Court at Law to a salary set by the commissioners courts in the counties the reporter or administrator serves. Mandates that Fisher, Mitchell, and Nolan counties enter into an interlocal agreement regarding pay structure, budget, and judicial responsibilities of the 1st MultiCounty Court at Law and outlines structure for cost-sharing if an agreement cannot be reached. See GOV'T CODE §25.2702(d), (d-1), and (d-2).



## Courthouse Security and Judicial Privacy

**HB 1872:** Effective 5/23/2019.

Requires the county clerk to remove personal information from a personal financial statement filed by a county judicial officer prior to making the statement available to the public. *See* LOC. GOV'T CODE §159.055(b).

**SB 73:** Effective 9/1/2019.

Amends key confidentiality provisions of the Judge Julie Kocurek Judicial and Court Security Act. Allows a judge or judge's spouse to request that the county clerk redact or omit personal information from any other record recorded by a county clerk related to real property that is available online. Clarifies that the home address information of a federal or state judge and the spouse of a federal or state judge in an appraisal record is confidential. Clarifies that the definitions of "federal judge" and "state judge," for driver's license information omission purposes, are the definitions found in Election Code §13.0021. *See* PROP. CODE §11.008(a), TAX CODE §25.025(b), and TRANSP. CODE §521.121(c).

**SB 489:** Effective 9/1/2019.

Requires the Texas Ethics Commission, county clerks, and municipalities to redact or remove residential information from certain documents required to be filed with these offices before releasing that information to the public. Allows a judge or judge's spouse to request that the county clerk redact or omit personal information from any other record recorded by a county clerk related to real property that is available online. Clarifies that the home address information of a federal or state judge and the spouse of a federal or state judge in an appraisal record is confidential. Clarifies that the definitions of "federal judge" and "state judge," for driver's license information omission purposes, are the definitions found in Election Code §13.0021. Requires OCA's Director of Security and Emergency Preparedness to submit an annual report to the Legislature regarding security activities throughout Texas with recommendations on improving court security and monitoring and increasing funds for court security. *See* ELEC. CODE §254.0313, GOV'T CODE §72.015, LOC. GOV'T CODE §145.007 and Ch. 159, Subch. D, PROP. CODE §11.008(a), TAX CODE §25.025(b), and TRANSP. CODE §521.121(c).

**SB 662:** Effective 6/14/2019.

Excepts from the public availability requirement of state public information law personal information, such as a home address, of a state officer elected statewide or a member of the legislature. Makes information in appraisal records of these persons confidential. *See* GOV'T CODE §552.117(a) and TAX CODE §25.025(a).



## Criminal Law and Procedure

**HB 8:** Effective 9/1/2019.

Sets no limitation on the felony indictment presentment of a sexual assault where evidence has been collected in a rape kit but has not yet been subjected to forensic DNA testing. Requires sexual assault examination kits to be retained for at least 40 years. Requires OAG to establish statewide telehealth center for sexual assault forensic medical examination. *See* CODE CRIM. PROC. ARTS. 12.01(1)(c)(i), 38.43(c-1), and GOV'T CODE Ch. 420, Subch. E.

**HB 16:** Effective 9/1/2019 (applies to child born alive on or after this date).

Authorizes the OAG to bring suit to collect a civil penalty of at least \$100,000 from a physician who fails to provide appropriate medical treatment to a child born alive after an abortion or attempted abortion. Makes it a third-degree felony offense for a physician or health care practitioner to fail to provide appropriate medical treatment to a child born alive after an abortion or attempted abortion. *See* FAM. CODE §151.002(c) – (g).

**HB 101:** Effective 9/1/2019.

Creates the offense of false caller identification information, which makes it a Class A misdemeanor offense for a person to, with intent to defraud, harass, or cause harm, make a call or cause a data display that misrepresents the caller's identity or number. *See* PENAL CODE §33A.051.

**HB 121:** Effective 9/1/2019 (applies to offense committed on or after this date).

Provides a defense to prosecution for offenses of trespass by a handgun license holder where the license holder promptly departs the premises after receiving oral notice that entry on the premises with a handgun was forbidden. *See* PENAL CODE §§30.06(g), 30.07(g).

**HB 446:** Effective 9/1/2019 (applies to offense committed on or after this date).

Decriminalizes the possession, manufacture, transport, repair, or sale of knuckles. Removes a club from the list of weapons unlawfully carried. *See* PENAL CODE §§46.02, 46.05.

**HB 667:** Effective (applies to offense committed on or after this date).

Enhances the offense of sexual assault from a 2nd-degree felony to a 1st-degree felony if the victim was a person with whom the defendant was prohibited from engaging in sexual intercourse or deviate sexual intercourse under Penal Code §25.02 (Prohibited Sexual Conduct). *See* PENAL CODE §22.011(e) and (f).



## Criminal Law and Procedure

**HB 714:** Effective 6/2/2019 (applies only to person placed on community supervision on or after January 1, 2020).

Establishes a veterans reemployment program that provides education and training to veterans placed on community supervision or deferred adjudication after being convicted of a misdemeanor offense. Provides nondisclosure order opportunity to defendants who successfully complete program. See CODE CRIM. PROC. Ch. 42A, Subch. H-1, and GOV'T CODE §411.0729.

**HB 888:** Effective 9/1/2019.

Makes it a Class B misdemeanor offense for a person, with intent to commit a trafficking offense, to knowingly misrepresent a child as a family member to a peace officer or federal special investigator at a port of entry. See PENAL CODE §37.082.

**HB 902:** Effective 9/1/2019.

Makes assault of a pregnant victim a third-degree felony if, at the time of the offense, the defendant knew the victim was pregnant. See PENAL CODE §22.01(b).

**HB 979:** Effective 9/1/2019 (applies to offense committed on or after this date).

Requires a defendant convicted of a Class A misdemeanor offense of unlawful restraint or assault to provide a DNA specimen for inclusion in the DNA database system. See GOV'T CODE §411.1471(a).

**HB 1028:** Effective 9/1/2019 (applies to offense committed on or after this date).

Increases the penalties for arson and certain burglary offenses committed in areas declared a state of disaster or subject to emergency evacuation. See PENAL CODE §12.50(b), (c).

**HB 1177:** Effective 9/1/2019 (applies to offense committed on or after this date).

Makes portions of the offenses of unlawful carrying of a weapon (Penal Code §46.02), places weapons prohibited (Penal Code §46.03), and unlawful carrying of handgun by license holder inapplicable to a person carrying a handgun during or following a declared disaster. See PENAL CODE §46.15(k), (l).



## Criminal Law and Procedure

**HB 1343:** Effective 9/1/2019.

Requires the state's attorney to promptly file an application for a protective order for a victim of an offense listed in Code of Criminal Procedure Article 7A.01(a)(1)-(2) following the offender's conviction or placement on deferred adjudication community supervision. A person age 18 or older may request that the application not be filed, and the state must honor this request. Makes an offender's conviction for an offense listed in Code of Criminal Procedure Article 7A.01(a)(1)-(2) "reasonable grounds" to issue a protective order and extend the protective order for the life of the offender and victim. *See* CODE CRIM. PROC. Arts. 7A.01(a-1) – (a-2), 7A.03(c), 7A.07(a-1).

**HB 1374:** Effective 6/14/2019.

Allows the Community Justice Assistance Division to award a grant to a supervision and corrections department for the creation of a pretrial intervention program for pregnant defendants or defendants who are primary caretaker of child under age 18. *See* Gov'T CODE §509.011(b-1).

**HB 1399:** Effective 9/1/2019 (applies to offense committed on or after this date).

Expands the list of felony offenses for which, if a defendant is arrested, a defendant must provide a DNA sample to create a DNA record. Requires law enforcement to destroy that sample on acquittal or dismissal or after an individual is found actually innocent of a crime for which the person was arrested. Requires a court to, as soon as practicable, provide notice of the acquittal or dismissal to law enforcement. Eliminates a defendant's ability to voluntarily provide a DNA specimen in connection with certain offenses. *See* Gov'T CODE §411.1471(a)(1), (e).

**HB 1528:** Effective 9/1/2019 (applies to offense committed on or after this date).

Prevents a defendant charged with a fine-only misdemeanor involving family violence from entering by mail or by delivery a plea and waiver of jury trial without a court appearance. Requires a defendant charged with an offense involving family violence to make a plea in open court and requires the court to admonish the defendant pleading guilty or nolo contendere either orally or in writing. Requires a court clerk, on disposition of a fine-only misdemeanor that involves family violence, to report information regarding the citation or arrest and case disposition to DPS using a uniform incident fingerprint card or a DPS-approved electronic method. *See* CODE OF CRIM. PROC. Articles 27.14(b) & (e), 45.0211, and 66.252(g).



## Criminal Law and Procedure

**HB 1631:** Effective 6/2/2019.

Bars local government from implementing or operating red light cameras (a “photographic traffic signal enforcement system”). Prohibits local government from issuing a civil or criminal charge or citation for offenses based on images captured by a red light camera. Repeals and deletes sections of code, including jurisdictional and fee-collection provisions, that run contrary to these prohibitions. See TRANSP. CODE §§707.020, 707.021.

**HB 1661:** Effective 9/1/2019 (applies to offense committed on or after this date).

Permits prosecution of the offense of continuous violence against the family in any county where the defendant assaulted the victim(s). See CODE CRIM. PROC. Art. 13.072, PENAL CODE §25.11(b).

**HB 1996:** Effective 9/1/2019 (applies to a plea accepted on or after this date).

Requires the court, prior to accepting a defendant’s guilty plea, to admonish a defendant both orally and in writing that if the defendant is not a US citizen a plea of guilty or no contest may result in deportation, the exclusion from admission to the US, or the denial of naturalization under federal law. Provides that the court must receive a statement signed by the defendant and the defendant’s attorney that the defendant understands the admonitions and is aware of the plea’s consequences. See CODE CRIM. PROC. Art. 26.13(d), (d-1).

**HB 2048:** Effective 9/1/2019.

Repeals the driver responsibility program and makes repeal applicable to any surcharge pending on 9/1/2019, regardless of when imposed. Requires DPS to reinstate a driver’s license suspended under the program as of 9/1/2019 if the only reason for the suspension is the failure to pay the surcharge. Requires the Department of Transportation to designate motor vehicle offenses that constitute a moving violation for certain court costs. Increases the state traffic fine to \$50 but decreases the amount a municipality or county may retain as a service fee to 4%. Requires a person finally convicted of an offense relating to the operation of a motor vehicle while intoxicated to pay a fine, permits a municipality or county that collects the fine to retain 4% as a service fee for collection, and requires 80% of the fees deposited with the comptroller to be used only for criminal justice purposes. See TRANSP. CODE §§542.304, 542.3041, and Ch. 709.

**HB 2164:** Effective 9/1/2019.

Imposes a civil penalty on an establishment serving the public (as defined) that prohibits or restricts law enforcement from carrying a weapon onto the premises. See CODE CRIM. PROC. Article 2.1305(c).



## Criminal Law and Procedure

**[HB 2524](#)**: Effective 9/1/2019.

Modifies the amount of time an actor has to return property held under a rental agreement before intent to avoid payment is presumed, reduces the amount of time until an actor is presumed to have received notification to pay, and clarifies the definitions of “written rental agreement,” “business day,” and “service.” *See* PENAL CODE §31.04.

**[HB 2623](#)**: Effective 9/1/2019 (applies to petition for name change filed on or after this date).

Authorizes a court to order a name change for a person required to register as a sex offender or for a person finally convicted of a felony. *See* FAM. CODE 45.103.

**[HB 2697](#)**: Effective 9/1/2019.

Makes it an offense (fraudulent use or possession of identifying information) for a person, with intent to harm or defraud, to possess, transfer, or use another person’s identifying information without that person’s consent or effective consent. *See* BUS. & COM. CODE §501.001(c).

**[HB 2758](#)**: Effective 9/1/2019 (applies to offense committed on or after this date).

Adds continuous trafficking of persons and aggravated promotion of prostitution to the list of offenses ineligible for community supervision. Excepts instances in which these offenses were committed when the defendant was a victim of a trafficking- or prostitution-related offense. *See* CODE CRIM. PROC. Art. 42A.054.

**[HB 2789](#)**: Effective 9/1/2019.

Makes it a Class C misdemeanor offense to knowingly send, by electronic means, sexually explicit visual material to a recipient if the recipient did not request the materials or if the materials were sent without the recipient’s express consent. *See* PENAL CODE §21.19.

**[HB 3091](#)**: Effective 9/1/2019 (applies to request for public information received on or after this date).

Makes confidential, under state public information law, information relating to the location or physical layout of a family violence shelter or victims of trafficking shelter. Creates a Class A misdemeanor offense for an individual who discloses or publicizes the location or physical layout of a center with the intent to threaten the safety of an inhabitant. *See* GOV’T CODE §552.138(b-1) and PENAL CODE §42.075.



## Criminal Law and Procedure

**[HB 3529](#)**: Effective 6/10/2019.

Creates a family violence pretrial diversion pilot program in Bexar County for individuals who are charged with an offense involving family violence and who suffer from a substance abuse disorder or a chemical dependency. *See* GOV'T CODE §509.018.

**[HB 3540](#)**: Effective 9/1/2019.

Authorizes a peace officer in certain circumstances to release an individual with an intellectual or developmental disability at that individual's residence, instead of arresting that individual, if that individual lives in a group home or intermediate care facility. Prevents officers and agencies from being held liable for damage to persons or property caused by an individual after release. *See* CODE CRIM. PROC. Art. 14.035.

**[HB 3557](#)**: Effective 9/1/2019 (applies to cause of action that accrues on or after this date).

Creates offenses related to the intentional or knowing impairment or interruption of operations or damage or destruction of a critical infrastructure facility. Creates corresponding civil liability for this conduct. *See* GOV'T CODE Ch. 424.

**[HB 3582](#)**: Effective 9/1/2019.

Allows a magistrate to require a defendant charged with driving while intoxicated with a child passenger to install an interlock device as a condition of bond unless the magistrate determines the device is not necessary after a controlled substance and alcohol evaluation has been conducted. Enhances driving while intoxicated with a child passenger from a state jail felony to a third-degree felony under certain circumstances. Outlines guidelines for the petitioning of a court and the granting of a petition for an order of nondisclosure of criminal history by someone on deferred adjudication community supervision. *See* CODE CRIM PROC. Arts. 17.441(a), 42A.102(b), 42A.408(e-1) and (e-2), and GOV'T CODE §411.0726.

**[HB 4173](#)**: Effective 1/1/2021.

Makes nonsubstantive revisions to certain provisions in the Code of Criminal Procedure, including conforming amendments across code.



## Criminal Law and Procedure

### **SB 20:** Effective 9/1/2019.

Addresses human trafficking in the state by creating new criminal offenses, enhancing certain criminal penalties, expanding conduct that constitutes trafficking of persons, and strengthening protections for victims of trafficking and compelled prostitution. Requires court, for certain defendants convicted of prostitution offenses, to place a defendant on community supervision and require participation in a commercially sexually exploited persons program and authorizes judge to suspend fines associated with conviction. Allows certain victims of trafficking or compelled prostitution placed on community supervision for certain offenses to petition a court for an order of nondisclosure for offenses committed solely as a victim of trafficking or compelled prostitution. *See* CODE CRIM. PROC. Arts. 42A.515 and 56.021, PENAL CODE §§43.031 and 43.041, and GOV'T CODE §411.0728.

### **SB 21:** Effective 9/1/2019 (applies to offense committed on or after this date).

Prohibits sale of tobacco, tobacco related products, and e-cigarettes to persons under age 21, with exemption for those over 18 who present a valid military ID. Reduces penalty for possession, purchase, consumption, or receipt of cigarette, e-cigarette, or tobacco product, and allows an individual to apply to have conviction expunged on or after the individual's 21st birthday. Eliminates justice court and municipal court jurisdiction over any matter in which a court under Health and Safety Code Ch. 161, Subchapter N (E-Cigarette and Tobacco Use by Minors) may order the suspension or denial of a driver's license or permit. *See* HEALTH & SAFETY CODE §§161.082, 161.089, 161.252, 161.255(a), and 161.256.

### **SB 194:** Effective dates vary.

Creates the misdemeanor offense of Indecent Assault and allows a victim of the offense to file for a protective order. Entitles victim of offense to additional victim's rights and adds indecent assault to the list offenses for which violation of a court order is an offense. *See* PENAL CODE §§22.012, 25.07, 25.072, and CODE CRIM. PROC. Ch. 7A and Art. 56.021(d).

### **SB 201:** Effective 9/1/2019 (applies to offense committed on or after this date).

Adds arson, burglary of vehicles, and criminal trespass as crimes eligible for an increase in punishment when committed in a disaster or evacuated area. Eliminates necessity defense for theft committed in disaster or evacuated area. *See* PENAL CODE §12.50(b)-(c). Repeals PENAL CODE §12.50(d).

### **SB 306:** Effective 4/25/2019.

Provides additional statutory option for law enforcement to take a publicly intoxicated individual, upon verbal consent, to a "sobering center." Prohibits a magistrate from considering an individual's release from a sobering center when determining whether to release an individual to a sobering center for subsequent public intoxication incidents or arrests. *See* CODE CRIM. PROC. Art. 14.031(a), (c).



## Criminal Law and Procedure

**SB 405:** Effective 9/1/2019 (applies to offense committed on or after this date).

Makes it a Class B misdemeanor offense to give a false report to a corrections officer or jailer. See PENAL CODE §37.08(a).

**SB 719:** Effective 9/1/2019 (applies to offense committed on or after this date).

Deems the murder of an individual age 10 or older but younger than age 15 as conduct that constitutes capital murder. Prevents the state from pursuing the death penalty against someone based solely on this type of offense. See PENAL CODE §19.03(a) and CODE CRIM. PROC. Art. 37.071, Sec. 1.

**SB 751:** Effective 9/1/2019.

Creates a Class A misdemeanor offense for creating and distributing a “deep fake video,” with the intent to injure a candidate or influence the result of an election, within 30 days of an election. See ELEC. CODE §255.004(d), (e).

**SB 1125:** Effective 9/1/2019.

Allows a forensic analyst to use a video teleconferencing system to provide witness testimony. See CODE CRIM. PROC. Art. 38.076.

**SB 1151:** Effective 6/10/2019.

Gives the comptroller’s office access to the Criminal Justice Information Service System to obtain criminal history record information related to a person receiving, scheduled to receive, or applying to receive compensation as a person wrongfully imprisoned. See GOV’T CODE §411.109(a).

**SB 1259:** Effective 9/1/2019 (applies to offenses committed on or after this date).

Makes it sexual assault for a health care provider, in performing an assisted reproduction procedure, to knowingly use human reproductive material from a donor on another person who has not expressly consented to the use of that material. Provides that this “fertility fraud” is a state jail felony-level offense and extends the limitations period for this conduct to two years from the date the offense was discovered. See PENAL CODE §22.011(b)(12), (c), and (f), and CODE CRIM. PROC. Art. 12.01(7).

**SB 1700:** Effective 9/1/2019.

Changes the time of release of a defendant from jail, with certain exceptions, to between 6AM and 5PM on the day of discharge. See CODE CRIM. PROC. Art. 43.13(b) – (e).



## Criminal Law and Procedure

**SB 1801:** Effective 9/1/2019.

Allows trafficking survivors more opportunities to obtain an order of nondisclosure for certain offenses committed as a victim of trafficking. Allows for the consolidation of nondisclosure petitions in seeking relief. See GOV'T CODE §411.0728 and CODE CRIM. PROC. Art. 56.021(e).

**SB 1802:** Effective 9/1/2019 (applies to registration require / offense committed on or after this date).

Adds Aggravated Promotion of Prostitution to the list of offenses for which conviction or adjudication requires sex offender registration. Expands definition of coercion for trafficking-related prostitution offenses. Increases punishments for various trafficking crimes. See CODE OF CRIM. PROC. Art. 62.001(5), and PENAL CODE §§20A.02(a-1), 43.03(b), 43.04(b), and 43.05.

**SB 2136:** Effective 9/1/2019 (applies to proceeding commenced on or after this date).

In the prosecution of a family violence or dating violence offense, permits the introduction of testimony and evidence of all relevant facts and circumstances that would assist the trier of fact in determining whether the defendant committed the offense. In the prosecution of the exploitation of a child, elderly individual, or disabled individual, permits admittance of defendant's prior conduct similar to the alleged offense to show the defendant's knowledge or intent regarding an element of the offense. See CODE CRIM. PROC. Arts. 38.371(a), 38.471.





## Elections and Lobbying

**HB 88:** Effective 9/1/2019.

Requires the order of candidates' names on a ballot in a runoff election, or in an election held to resolve a tie, to be in the same relative order it was in the initial election rather than order by drawing. Eliminates the 24-hour notice posting requirement for the drawing. *See* ELEC. CODE §§2.002(d), 52.094(a) and (c).

**HB 831:** Effective 1/1/2020 (applies to candidate in election held on or after this date).

Provides that, for satisfying the continuous residency requirement to be eligible for public elective office, a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person has made a reasonable and substantive attempt to effectuate that intent and has a legal right and practical ability to return to the residence. *See* ELEC. CODE §141.001(a-1) – (a-3).

**HB 2504:** Effective 9/1/2019.

Requires a candidate who is nominated by convention to pay a filing fee or, in lieu of the fee, submit a petition that contains a certain number of signatures. *See* ELEC. CODE §141.041.

**HB 2586:** Effective 9/1/2019.

Clarifies law relating to political contributions and political expenditures made to or by political committees or other persons. *See* ELEC. CODE §§251.001, 251.0015, 251.0016, 252.003, 252.0031, 253.097, and 253.101.

**HB 2640:** Effective 9/1/2019.

Requires the county clerk, after each election, to prepare a report of the number of votes, including early votes cast by mail and early votes cast by personal appearance, received in each county election precinct for each candidate for office. Requires the county clerk, rather than the presiding officer, to deliver the report to the Secretary of State. *See* ELEC. CODE §67.017(a) and (b).

**HB 2677:** Effective 9/27/2019 (applies to contribution or expenditure made on or after this date).

Clarifies that a registered lobbyist may not use political contributions to advance his or her efforts. *See* ELEC. CODE §§253.006 and 253.007, GOV'T CODE §305.029.



## Elections and Lobbying

**HB 3044:** Effective 9/1/2019.

Authorizes a corporation to make political expenditures, including fully or partially matching contributions to an organization that is exempt from federal income tax under Section 501(c)(3), Internal Revenue Code, to finance the solicitation of political contributions to a general-purpose committee. See ELEC. CODE §253.100(b).

**HB 3233:** Effective 6/2/2019.

Updates and repeals various portions of the Judicial Campaign Fairness Act. Limits the amount a judicial candidate can take in contributions from a law firm, any political-action committee created by the firm, and members of the firm and their spouses. Revises the aggregate amount a judicial candidate or officeholder may accept from a political-action committee. Allows judicial candidates to conduct joint campaign activities. Prohibits use of political contributions to repay the campaign loans given by close relatives. See ELEC. CODE §§253.155, 253.157, 253.158(b), 253.1612, 253.162(a), (c).

**HB 3580:** Effective 9/1/2019.

Reconciles aspects of state campaign finance law with the *Citizens United* ruling. Authorizes a corporation or labor organization to make political contributions to a political committee if the specified requirements are met by the committee. Removes the prohibition on speaker candidates accepting contributions from certain organizations and entities. See ELEC. CODE §253.105 and GOV'T CODE §302.021.





## Family Law

**HB 145:** Effective 9/1/2019.

Sets the default rate for fees for the services provided by the offices of the sheriff and constables, if the commissioners court does not set the fees, at the rate in effect for the preceding fiscal year (rather than in effect on August 31, 1981). *See* LOC. GOV'T CODE §118.131(h).

**HB 156:** Effective 9/1/2019 (applies to an order issued on or after this date, regardless of when the underlying offense occurred).

Allows a court granting an occupational driver's license to order the person receiving the license to submit to supervision to verify the person's compliance with the conditions specified in the order granting the license. Allows the court to order supervision by the local community supervision and corrections department or by the county personal bond office. Requires the court, if it selects the local community supervision and corrections department, to order the person to pay an administrative fee of \$25 to \$60. Allows the county personal bond office, if it selected to supervise the person, to collect a monthly administrative fee of \$25 to \$60 from the person. Makes the administrative fee provided by Government Code Section 76.015 inapplicable to a person required to pay the monthly administrative fee for occupational license conditions supervision. *See* TRANSP. CODE §§521.2462(a) and (a-1) – (a-3), GOV'T CODE 76.015(a-1).

**HB 369:** Effective 9/1/2019 (applies to a motion or petition filed on or after this date).

Requires an adoption petition to include a statement indicating the court has jurisdiction of the suit under Family Code §103.001(b) [venue for original suit]. Requires the court with continuing, exclusive jurisdiction of a SAPCR, on the filing of a motion showing an adoption petition has been filed in another court and requesting a transfer, to transfer its proceedings to the court in which the adoption is pending. *See* FAM. CODE §§102.008(b), 155.201(a-1).

**HB 553:** Effective 9/1/2019.

Requires that, for parents who reside 100 or less miles apart and for weekends designated during the summer, a possessor conservator must give written notice to the managing conservator of the location at which the managing conservator is to pick up and return a child. *See* FAM. CODE §153.312.

**HB 554:** Effective 9/1/2019 (applies to temporary order rendered on or after 9/1/2017).

Changes the term "spouses" to "parties" when a court renders a temporary order enjoining a party from molesting or disturbing the peace of a child or another party. *See* FAM. CODE §109.001.



## Family Law

**HB 555:** Effective 9/1/2019 (applies only to SAPCR pending or filed on or after this date).

Clarifies that, unless limited by court order or other law, the sole managing conservator of a child has the right to apply for, renew, and possess a child's passport. See FAM. CODE §§153.132(10), 153.371(12).

**HB 558:** Effective 9/1/2019.

Permits a court to designate a special needs trust for an adult child with a disability and to direct ordered support payments directly to that trust for the benefit of the adult child. See FAM. CODE §154.302(c).

**HB 559:** Effective 5/24/2019 (applies to agreement regardless of when signed).

Provides that a written agreement referenced in the final decree of a divorce or annulment is not required to be filed with the court or clerk of the court. See FAM.CODE §7.006(b).

**HB 621:** Effective 9/1/2019 (applies to action taken on or after this date).

Prohibits an employer from taking adverse employment action against a professional, as defined, who in good faith reports child abuse or neglect and authorizes a person who suffers adverse employment action in violation of the prohibition to sue for injunctive relief, damages, or both. See FAM. CODE §261.110.

**HB 1343:** Effective 9/1/2019.

Requires the state's attorney to promptly file an application for a protective order for a victim of an offense listed in Code of Criminal Procedure Article 7A.01(a)(1)-(2) following the offender's conviction or placement on deferred adjudication community supervision. A person age 18 or older may request that the application not be filed, and the state must honor this request. Makes an offender's conviction for an offense listed in Code of Criminal Procedure Article 7A.01(a)(1)-(2) "reasonable grounds" to issue a protective order and extend the protective order for the life of the offender and victim. See CODE CRIM. PROC. Arts. 7A.01(a-1) – (a-2), 7A.03(c), 7A.07(a-1).



## Family Law

**HB 1528:** Effective 9/1/2019 (applies to offense committed on or after this date).

Prevents a defendant charged with a fine-only misdemeanor involving family violence from entering by mail or by delivery a plea and waiver of jury trial without a court appearance. Requires a defendant charged with an offense involving family violence to make a plea in open court and requires the court to admonish the defendant pleading guilty or nolo contendere either orally or in writing. Requires a court clerk, on disposition of a fine-only misdemeanor that involves family violence, to report information regarding the citation or arrest and case disposition to DPS using a uniform incident fingerprint card or a DPS-approved electronic method. *See CODE OF CRIM. PROC. Articles 27.14(b) & (e), 45.0211, and 66.252(g).*

**HB 1689:** Effective 9/1/2019 (applies to petition filed on or after this date).

Requires parties to a suit for divorce that are the intended parents under an effective gestational agreement to, in the divorce petition, state they are parties to the agreement, whether the gestational mother is pregnant or has birthed the child, and whether the agreement has been validated by a court. Affords standing to file a suit affecting the parent-child relationship to an intended parent of a child under a gestational agreement. *See FAM. CODE §§6.406(a-1), 102.003(a).*

**HB 1709:** Effective 6/10/2019.

Requires a court, as soon as practicable after receiving notice from the Department of Family and Protective Services that an appointed surrogate parent is unable or unwilling to properly perform its duties, to review the appointment and enter any order necessary to ensure the child has a surrogate parent who will properly perform its duties. *See EDUC. CODE §29.0151(g).*

**HB 1780:** Effective 9/1/2019.

Requires a court, when determining whether extraordinary circumstances necessitate that a child remain in the temporary managing conservatorship of the Department of Family and Protective Services in a case where a parent must complete a substance abuse treatment program, to consider if the parent made a good faith effort to complete the program. *See FAM. CODE §263.401(b-2).*

**HB 1854:** Effective 9/1/2019.

Clarifies that a court with original jurisdiction of a suit affecting the parent-child relationship loses its continuing, exclusive jurisdiction to modify child custody and support orders once a final order of adoption is rendered by another court. *See FAM. CODE §155.004(a).*



## Family Law

**[HB 1884](#)**: Effective 9/1/2019.

Requires that, for a child placed with a relative or designated caregiver, the court must inform the caregiver of the option to become verified by a licensed child-placing agency to operate an agency foster home and of the permanency care assistance program. See FAM. CODE §§262.201(n-1), 263.202.

**[HB 2514](#)**: Effective 9/1/2019.

Expands the exception to qualifications required to conduct a child custody evaluation. See FAM. CODE §107.106.

**[HB 3145](#)**: Effective 6/14/2019.

Permits a parent appointed as a conservator of a child to freely attend school activities, including lunches, performances, and field trips, unless restricted by a court order. See FAM. CODE §153.073(a)(6).

**[SB 560](#)**: Effective 9/1/2019.

Requires the Texas Judicial Council to create a statewide plan for counties and courts to report information on court-ordered representation and associated costs in CPS cases. Requires the Council to submit its own report to the Legislature on the information received. See GOV'T CODE §71.0355.

**[SB 1887](#)**: Effective 9/1/2019 (applies to conduct that occurs on or after this date).

Allows a court exercising juvenile jurisdiction to transfer venue of a juvenile case to the court with venue over a youth's welfare case. See FAM. CODE §§51.04(h), 51.0414, and 201.204.

**[SB 2390](#)**: Effective 9/1/2019 (applies to order issued on or after this date).

Authorizes a magistrate issuing an emergency protection order, by request or necessity, to render an order that protects the mailing address of the protected person. Allows use of the mailing address only by the court or by law enforcement for entry into the Texas Criminal Information Center. See CODE CRIM. PROC. Art. 17.294.



## Government Entity or Political Subdivision

**HB 1791:** Effective 9/1/2019.

Prohibits a state agency or state political subdivision from taking any action that states or implies that a license holder carrying a handgun is prohibited from entering or remaining on government property unless prohibited by law. *See* Gov'T CODE §411.209.

**SB 354:** Effective 5/31/2019.

Allows Texas counties of any population size to draw checks on the county treasury to disburse funds for salaries and expenses. Allows a district, county, or precinct officer to issue a warrant against the salary fund to pay authorized salary and expenses. *See* Loc. Gov'T CODE §§113.047, 154.0235.

**SB 944:** Effective 9/1/2019 (applies to request received on or after this date).

Makes various updates to the Public Information Act (PIA), which includes allowing a governmental body to designate a single email address and a single mailing address to receive PIA requests, allowing governmental bodies to obtain and preserve public information maintained on a government employee's private device, and requires the OAG to promulgate a Public Information Act request form that governmental bodies and requestors may use. Clarifies ownership of public information. *See* Gov'T CODE §§552.004, 552.203, 552.233, 552.234, and 552.235.

**SB 1978:** Effective 6/10/2019.

Prohibits a governmental entity from taking adverse action (as defined) against a person because of the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. Allows a person to assert an actual or threatened violation of the prohibition as a claim or defense and to seek injunctive relief, declaratory relief, court costs, and reasonable attorney's fees. *See* Gov'T CODE Title 10, Subtitle H.



## Guardianship and Mental Health

**HB 601:** Effective 9/1/2019 (applies to defendant charged / proceeding commenced on or after this date).

Clarifies that, on a magistrate's determination that a defendant has a mental illness or is a person with an intellectual disability, the magistrate can order a defendant interviewed, including by the service provider that contracts with the jail to provide MHIDD services, if the defendant has not previously been interviewed on or after the date the defendant was arrested. Requires the interviewing entity to provide the magistrate with a written report of the interview and information collected on the TCOOMMI-approved form. Requires the commissioners court for the county in which a magistrate that orders a defendant interviewed to reimburse the interviewing entity for the cost of performing those duties. Requires the Texas Judicial Council to adopt rules to require the reporting of the number of written reports provided to a court, which must include monthly submission requirements to OCA. Requires a court, on receiving notice of intent to release a civilly-committed defendant, to hold a hearing to determine if release is appropriate. *See* CODE CRIM. PROC. Arts. 16.22(a), (a-1) – (a-4), (e), and 46B.107(d).

**SB 31:** Effective 9/1/2019.

Establishes the Guardianship Abuse, Fraud, and Exploitation Deterrence Program within OCA. Requires OCA to employ guardianship compliance specialists to conduct reviews and audits of guardianships and maintain a database to monitor guardianship filings, annual reports, and annual accounts. Authorizes OCA to report possible judicial misconduct to the State Commission on Judicial Conduct related to guardianship compliance and to provide an annual report on the Program to the Legislature. *See* Gov't CODE Ch. 72, Subch. G.

**SB 362:** Effective 9/1/2019.

Addresses multiple issues related to court-ordered mental health services (civil commitment), which includes:

- Specifying conditions under which a judge may order temporary outpatient or extended inpatient or outpatient mental health services;
- Allowing a court to set a status conference with the patient, the patient's attorney, and the person designated as responsible for the patient's court-ordered outpatient mental health services;
- Directing the Court of Criminal Appeals to ensure that judicial training related to the problems of court-ordered outpatient mental health services is provided at least once a year; and
- Directing the Supreme Court to adopt rules related to streamlining court processes connected to emergency detention and related to increasing access to the judicial branch for mental health issues.

*See* CODE CRIM. PROC. Art. 16.22(c), (c-1), (c-2), and (c-3), Gov't CODE §22.1106, HEALTH & SAFETY CODE §§574.031(d-1) and (d-2), 574.034(g) and (h), 574.0345, 574.035, 574.0355, 574.0665, and 574.069(e).



## Guardianship and Mental Health

**SB 633:** Effective 6/14/2019.

Groups rural mental health authorities into regional mental health authorities and requires the Health and Human Services Commission to develop a plan to increase the capacity of the authorities in each group to provide access to needed services. *See* Gov'T CODE §531.0221.

**SB 822:** Effective 5/31/2019.

Updates the Texas Veterans + Family Alliance grant program, which supports community mental health programs for Texas vets and their families, by removing certain administrative requirements and ensuring that grant recipients match awarded grants with non-state funds at certain levels. *See* Gov'T CODE §531.0992(c), (d).

**SB 1238:** Effective 9/1/2019.

Allows certain family members to seek a court order for temporary authorization to consent to voluntary inpatient mental health services for a child. *See* FAM. CODE Ch. 35A, HEALTH & SAFETY CODE §572.001(a-1).

**SB 562:** Effective 6/14/2019.

Requires the court that civilly committed a defendant, upon receiving notice from a facility or outpatient treatment center of intent to release a committed defendant, to hold a hearing to determine if release is appropriate. Requires a court to commit a defendant charged with a violent offense found incompetent to stand trial to facility designated by the Health and Human Services Commission rather than to a maximum security unit. Requires HHSC to determine whether a defendant is manifestly dangerous and to transfer a defendant found not to be manifestly dangerous to a non-maximum security facility. Allows certain persons to expunge files and records relating to an arrest if the person completes a mental health court program. Requires counties with a population over 200,000 to create a mental health court program. *See* Code Crim. Proc. Arts. 46B.106(a), 46B.0831, 55.01, 55.02(a-2), and Gov'T CODE §§125.001, 125.0025, and 125.005.



## Indigent Defense

**SB 583:** Effective 9/1/2019.

In counties with a public defender's office, requires local indigent defense plans to provide for priority appointment of a public defender's office, including in capital murder cases, unless good cause is shown for not making the appointment. See CODE CRIM. PROC. Art. 26.04(a), (f).

## Judicial Compensation

**HB 2384:** Effective 9/1/2019.

Creates a tiered judicial salary structure with a state base salary of \$140,000, \$154,000, and \$168,000 for district judges, intermediate appellate court justices, and supreme court/court of criminal appeals justices/judges, respectively, with 0-4 years of service, with an increase to 110% of the base salary for judges and justices with 4-8 years of service and 120% for judges and justices with 8 or more years of service. The bill also lowers the years of service required for longevity pay from 16 years to 12 years and increases longevity pay from 3.1% to 5%. Includes statutory county and probate court judges and the state prosecutor and district and criminal district attorneys on the tiered salary structure for purposes of determining appropriate compensation; sets the salary of child support and child protection court associate judges (Subchapters B and C, Texas Family Code) at 90% of the base salary; ties the state supplement amount for county attorneys to the tiered salary structure; and increases the salary paid to regional presiding judges. Adjusts retirement annuity calculations to the new tiered schedule for judges, justices and prosecutors who retire after the effective date of the bill, increases retirement contributions of state judges and justices from 7.5% to 9.5%; and modifies the disability retirement process for state judges and justices to be more consistent with the process used for state employees. See FAM. CODE §§201.105 and 201.205, and GOV'T CODE §§25.0005(a), (a-1), and (a-2), 25.0015, 25.0023(a), (a-1), and (a-2), 25.2607(d), 26.006(a), 65.653(b), 74.051(b) and (c), 659.012(a), (b), (b-1), (c) - (f), 659.0125(c) and (d), 659.0445(b), 814.103, 834.102, 839.102(a) and (c), 839.202, 839.2025, and 840.102(a).



## Judicial Education

**HB 598:** Effective 9/1/2019.

Adds part-time masters, magistrates, referees, and associate judges appointed under Government Code Chapter 54 or 54A to the list of officials for whom the Court of Criminal Appeals can expend Judicial and Court Personnel Training Account No. 540 funds for continuing legal education. *See* Gov'T CODE §56.003(b).

## Judicial Ethics

**HB 3531:** Effective 6/14/2019.

Provides a process to permit a judge to seek recusal for good cause in a case under investigation by the Public Integrity Unit of the Texas Rangers. Requires the Public Integrity Unit to inform the presiding judges of the administrative judicial regions if a judge of a court with jurisdiction over a complaint is disqualified because the judge is the subject of a criminal investigation based on credible evidence of criminal misconduct. Requires the presiding judges to rule the judge disqualified and to appoint a new judge from within the administrative judicial region. *See* Gov'T CODE §411.0255.

## Judicial Fund

**HB 2235:** Effective 5/24/2019.

Increases the amount of funds that can be credited to the judicial fund for basic civil legal services to \$50 million for each state fiscal year. *See* Gov'T CODE §402.007(d).



## Jurisdiction and Venue

**HB 369:** Effective 9/1/2019 (applies to a motion or petition filed on or after this date).

Requires an adoption petition to include a statement indicating the court has jurisdiction of the suit under Family Code §103.001(b) [venue for original suit]. Requires the court with continuing, exclusive jurisdiction of a SAPCR, on the filing of a motion showing an adoption petition has been filed in another court and requesting a transfer, to transfer its proceedings to the court in which the adoption is pending. See FAM. CODE §§102.008(b), 155.201(a-1).

**HB 380:** Effective 9/1/2019 (applies only to appeal filed on or after 9/1/2019).

Entitles a property owner to appeal an order of the appraisal review board determining that the board lacks jurisdiction to finally determine a protest or a motion filed by the property owner because the owner failed to comply with a requirement of Tax Code Chapter 41, Subchapter C or Tax Code §25.25. Entitles the property owner who establishes the appraisal review board had jurisdiction to a final determination, by the court, of the protest or the motion filed. Allows the court to, where the property owner failed to exhaust administrative remedies and in lieu of dismissing the appeal for lack of jurisdiction, remand the action to the board with an opportunity to cure the defect. Allows for remand waiver by both parties and court determination of appeal on merits. See TAX CODE §§2.01(a) and (c), 42.231.

**HB 3642:** Effective 9/1/2019.

Grants Tarrant County's County Courts at Law jurisdiction over all civil and criminal causes and proceedings prescribed by law for county courts and eliminates distinctions of jurisdiction between the County Courts at Law Nos. 1, 2, and 3. See GOV'T CODE §25.2222(a).

**SB 2342:** Effective 9/1/2020 (applies to cause of action filed on or after this date).

- Increases the civil jurisdiction of statutory county courts exercising concurrent jurisdiction with district courts to \$250,000. See GOV'T CODE §25.003(c)(1).
- Makes the drawing of jury panels and selection of jurors in a statutory county court in matters of concurrent jurisdiction with district courts subject to the laws and rules pertaining to the district courts in the county where the statutory county court is located. Requires 12 jury members, unless otherwise agreed to by the parties, in a civil case in statutory county court in which the amount in controversy exceeds \$250,000. See GOV'T CODE §25.0007(b), (c).
- Eliminates requirement that the drawing of jury panels, juror selection, and practice in statutory county courts must conform to that prescribed by law for county courts.
- Requires SCOT to amend expedited rules to provide that cases up to \$250k in County Courts at Law are expedited cases.



## Jury Service and Grand Jury Service

**HB 504:** Effective 9/1/2019 (applies to employer on or after this date).

Provides grand jurors the same employment protections provided to jurors in the trial of a civil or criminal case. *See CIV. PRAC. & REM. CODE §§122.001, 122.002, 122.0022, 122.003.*

**HB 1279:** Effective 9/1/2019 (applies to defendant sentenced for offense on or after this date).

Clarifies jury instruction language relating to parole eligibility. *See CODE CRIM. PROC. Art. 37.07, Sec. 4.*

**SB 370:** Effective 9/1/2019.

Protects jurors by preventing their employers from discharging, threatening, intimidating, or coercing them because of their service in any court in the United States. *See CIV. PRAC. & REM. CODE §122.001(a), (b).*

## Justice Courts and Municipal Courts

**HB 300:** Effective 6/10/2019.

Requires a justice of the peace to deposit all tangible evidence accumulated in an inquest with the appropriate law enforcement agency for safekeeping and eliminates option to deliver evidence to the district clerk for safekeeping. Requires district clerk to transfer inquest evidence to the appropriate law enforcement agency as soon as practicable. Eliminates requirement that justice of the peace must certify a copy of an inquest summary report and deliver it in a sealed envelope to the district clerk. Eliminates requirement that district clerk must retain the summary report subject to an order by the district court. Authorizes destruction of inquest summary report received and maintained by a district clerk in accordance with records retention schedule. *See CODE CRIM. PROC. Art. 49.17.*

**HB 881:** Effective 9/1/2019.

Entitles a parent of a deceased person to view the person's body before a justice of the peace or a medical examiner assumes control over the body. *See CODE CRIM. PROC. Art. 49.52.*



## Justice Courts and Municipal Courts

**HB 1528:** Effective 9/1/2019 (applies to offense committed on or after this date).

Prevents a defendant charged with a fine-only misdemeanor involving family violence from entering by mail or by delivery a plea and waiver of jury trial without a court appearance. Requires a defendant charged with an offense involving family violence to make a plea in open court and requires the court to admonish the defendant pleading guilty or nolo contendere either orally or in writing. Requires a court clerk, on disposition of a fine-only misdemeanor that involves family violence, to report information regarding the citation or arrest and case disposition to DPS using a uniform incident fingerprint card or a DPS-approved electronic method. *See CODE OF CRIM. PROC. Articles 27.14(b) & (e), 45.0211, and 66.252(g).*

**HB 1717:** Effective 1/1/2020 (pending constitutional amendment approval).

Allows a person to hold the office of municipal judge for more than one municipality, regardless of whether elected or appointed. *See GOV'T CODE §574.001(b).*

**HB 3081:** Effective 6/14/2019 (applies to appointments made on or after this date).

Expands the group of persons qualified to serve as a special or temporary justice of the peace to include a county judge or County Court at Law judge. Allows the county judge, if the judge cannot find a qualified person to serve, to appoint as temporary justice of the peace any qualified voter (as defined) who has experience and knowledge relevant to judicial or justice court processes and procedures and is approved by the county judge and a county justice of the peace *See GOV'T CODE §27.055(c), (e).*

**SB 40:** Effective 6/7/2019.

Allows a court, in the event of a disaster (as defined), to hold proceedings at an alternate location. Extends the effective period of an order modifying or suspending procedures for the conduct of any court proceeding due to a disaster to 90 days, which can be renewed by the Chief Justice of the Supreme Court. *See GOV'T CODE §§22.0035(b), 24.0125, 24.033(b), 25.0016, 25.0019(b), 25.0032(b), 25.0035, 26.002(b-1), 26.009, 27.0515, 29.015, 30.000123.*

**SB 1840:** Effective 9/1/2019.

Renames the Justice Court Technology Fund the Justice Court Assistance and Technology Fund and allows the fund to finance the cost of providing court personnel, including salaries, benefits, continuing education, and training. Eliminates the population requirement needed to use the Fund to assist other county departments with a “technological enhancement” if the enhancement directly relates to justice court operation or efficiency. *See CODE CRIM. PROC. Arts. 102.0173, 102.101(5).*



## Justice Courts and Municipal Courts

**SB 2364:** Effective 9/1/2019.

Clarifies that a justice court is a court of appropriate jurisdiction through which a judgment creditor can, through injunction or other means, reach non-exempt property to satisfy a judgment. *See CIV. PRAC. & REM. CODE §31.002(a).*

## Juvenile Justice

**HB 1760:** Effective 9/1/2019 (applies to records created before, on, or after this date).

Updates code provisions related to the confidentiality, sharing, sealing, and destruction of juvenile records. Expands the list of parties who can inspect or copy juvenile court or juvenile court clerk records, but bars disclosure of any confidential information unless authorized by law. Changes the criteria that entitle a person referred to juvenile court for CINS to have all records sealed without application. Requires a juvenile court to immediately order the sealing of all records related to alleged conduct if the court enters a finding of not true on the allegations. Shortens the period a court must wait to order the sealing of records related to certain juveniles. Allows a court clerk to send a copy of the order sealing the records by any reasonable method, including certified mail, regular mail, or e-mail. Requires a juvenile court, upon a no probable cause determination, to order the destruction of records relating to conduct for which a child was referred to court without being taken into custody. *See FAM. CODE §§58.007(b) and (c), 58.255(a), 58.2551, 58.256(c), 58.258(c), and 58.263.*

**SB 891:** Effective 9/1/2019.

Amends composition of the Fayette County Juvenile Board and Grimes County Juvenile Board. Allows the juvenile boards of Goliad County and Victoria County to collaborate with the juvenile boards of one or more counties adjacent to or in close proximity to their respective counties. *See HUM. RES. CODE §§152.0811, 152.0991(a), 152.0941(d), and 152.2411(g).*

**SB 1887:** Effective 9/1/2019 (applies to conduct that occurs on or after this date).

Allows a court exercising juvenile jurisdiction to transfer venue of a juvenile case to the court with venue over a youth's welfare case. *See FAM. CODE §§51.04(h), 51.0414, and 201.204.*



## Legal Profession

**SB 1189:** Effective 9/1/19 (applies to advertisements on or after this date).

Prohibits legal services advertisements that deceptively imply that they provide professional, medical, or government agency advice or approval. Requires specific verbal and visual statements to inform viewers of the content and sponsor of the advertisement and limits a court's discretion in finding a verbal or visual statement noncompliant with the law's requirements. Makes violations of regulations actionable under the Deceptive Trade Practices-Consumer Protection Act. *See* Gov'T CODE Ch. 81, Subch. J.

## Magistrates and Magistrate Duties

**HB 601:** Effective 9/1/2019 (applies to defendant charged / proceeding commenced on or after this date).

Clarifies that, on a magistrate's determination that a defendant has a mental illness or is a person with an intellectual disability, the magistrate can order a defendant interviewed, including by the service provider that contracts with the jail to provide MHIDD services, if the defendant has not previously been interviewed on or after the date the defendant was arrested. Requires the interviewing entity to provide the magistrate with a written report of the interview and information collected on the TCOOMMI-approved form. Requires the commissioners court for the county in which a magistrate that orders a defendant interviewed to reimburse the interviewing entity for the cost of performing those duties. Requires the Texas Judicial Council to adopt rules to require the reporting of the number of written reports provided to a court, which must include monthly submission requirements to OCA. Requires a court, on receiving notice of intent to release a civilly-committed defendant, to hold a hearing to determine if release is appropriate. *See* CODE CRIM. PROC. Arts. 16.22(a), (a-1) – (a-4), (e), and 46B.107(d).

**SB 891:** Effective 9/1/2019.

Makes the magistrates appointed by the El Paso Council of Judges and the magistrates appointed by the Collin County Commissioners Court and the Fort Bend County Commissioners Court a "magistrate" for Code of Criminal Procedure Article 2.09 purposes. Gives the magistrates appointed by the El Paso Council of Judges jurisdiction in criminal actions. Allows Bell County to select masters to serve the justice courts. Allows Collin County to appoint magistrates to perform certain duties. Allows Kerr County to appoint magistrates to perform certain duties. Allows Fort Bend County to appoint magistrates to perform certain duties. *See* CODE CRIM. PROC. Arts. 2.09, 4.01, Gov'T CODE Ch. 54, Subchs. B, MM, NN, OO.



## New Courts

**SB 891:** Effective dates vary.

Creates the following district courts:

- 454th District, composed of Medina County, on 9/1/2019
- 455th District, composed of Travis County, with preference to civil and family law matters, on 10/1/2020
- 456th District, composed of Guadalupe County, with preference to civil law cases, on 1/1/2021
- 457th District, composed of Montgomery County, on 9/1/2019
- 461st District, composed of Brazoria County, with preference for family law matters, on 9/1/2019
- 466th District, composed of Comal County, on 1/1/2021
- 467th District, composed of Denton County, on 1/1/2021
- 468th District, composed of Collin County, with preference to family law matters, on 9/1/2019
- 471st District, composed of Collin County, with preference to civil matters, on 9/1/2019

Creates the following County Courts at Law:

- County Court at Law of Chambers County, on 1/1/2021
- County Court at Law No. 3 of Comal County, on 9/1/2019
- County Court at Law No. 3 of Ellis County, on 1/1/2021
- County Court at Law of Gillespie County, on 10/1/2019
- County Court at Law No. 9 of Hidalgo County, on 9/1/2019
- County Court at Law No. 10 of Hidalgo County, on 9/1/2019
- County Court at Law No. 2 of Liberty County, on 9/1/2019
- County Court at Law No. 2 of Rockwall County, on 9/1/2019





## Office of Court Administration

**HB 770:** Effective 9/1/2019 (applies to suit pending in court or filed on or after this date).

Requires Office of Court Administration (OCA) to create and maintain a confidential, access-restricted database for settlement agreements for which the beneficiary is a minor or person who is incapacitated. Allows OCA to set and collect a fee up to \$50 per agreement, as court costs, to cover database maintenance. See GOV'T CODE §72.034.

**HB 3834:** Effective 6/14/2019.

Requires certain state employees, local government employees, and state contractors to complete a cybersecurity training program certified by the Department of Information Resources. See GOV'T CODE §§2054.519, 2054.5191, and 2054.5192.

**SB 64:** Effective 9/1/2019.

Updates and expands state oversight of state agency cybersecurity practices and data protection. Requires a state agency to, in agency administration, consider using next generation technologies. See GOV'T CODE §§656.047, 2054.0594, 2054.069, 2054.1125.

**SB 284:** Effective 9/1/2019 (applies to disciplinary action taken on or after this date).

Requires the Texas Forensic Science Commission to give written notice to a license holder of a determination of misconduct or a violation, of disciplinary action taken, and of the license holder's right to request a hearing with the Judicial Branch Certification Commission within 20 days of receiving the notice. See CODE CRIM. PROC. ART. 38.01, Sec. 4-c(c) – (e).

**SB 325:** Effective 9/1/2019.

Requires OCA, in consultation with DPS and the courts, to establish and maintain a centralized Internet-based registry for protective order applications filed and protective orders issued in Texas, including a magistrate's order for emergency protection. Requires the court clerk to enter the application and any order issued into the system within 24 hours of application filing or order issuance or modification. Requires OCA to establish and supervise a training program on registry use for magistrates, court staff, and peace officers. Requires the Supreme Court of Texas to prescribe a form for use by a person requesting a grant or removal of public access to information about protective orders and develop procedures for requesting a grant or removal of public access. See GOV'T CODE Ch. 72, Subch. F.



## Office of Court Administration

**SB 619:** Effective 6/10/2019.

Postpones sunset review of the Judicial Branch Certification Commission to 2025. See GOV'T CODE §152.001.

**SB 891:** Effective 9/1/2019.

- Allows the Judicial Branch Certification Commission to provide rules for the certification of an apprentice court reporter and the provisional certification of a court reporter. Allows Commission to extend court reporter licensing or certification reciprocity and requires Commission to develop and update a schedule of states that have court reporter licensing or certification requirements similar to Texas. Requires Commission to, by rule, require each certified court reporter to complete certain continuing professional education. See GOV'T CODE §§154.101, 154.1011, 154.1012, 154.104, 154.108.
- Requires OCA, by August 1 following each regular session of the legislature, to identify and publish a list of each enacted law that imposes or changes the amount of a court cost or fee collected by a clerk from a party to a civil case or a defendant in a criminal case. Identification and publication requirements do NOT apply to attorney's fees, civil or criminal fines or penalties, or amounts charged, paid, or collected on behalf of another party to a proceeding other than the state in a criminal case. See GOV'T CODE §§51.607, and 72.033.
- Requires OCA to develop and maintain a public information Internet website that allows a person or OCA to easily publish public information (a citation or other related public or legal notice and any other information published to effectuate service of citation by publication) and that allows the public to easily access, search, and sort the information. Outlines citation or notice by publication on the public information Internet website. Requires the Supreme Court to establish procedures for submission of public information to the public information Internet website. See GOV'T CODE §72.034, CIV. PRAC. & REM. CODE §17.032, and EST. CODE §51.054.
- Requires OCA to provide technical assistance to specialty court programs, coordinate with an entity funded by the Governor's Criminal Justice Division that provides services to specialty court programs, monitor specialty court programs, and notify the Justice Division of a specialty court program that fails to comply with programmatic best practices. Requires OCA to coordinate and provide information to the Criminal Justice Division on the Division's request. See GOV'T CODE §121.002.
- Requires OCA to contract with the National Center for State Courts to conduct a study on the caseloads of district and statutory county courts in Texas, which must be submitted by December 1, 2020, to the Governor, Lt. Governor, Speaker of the House, and certain legislative committee chairs.
- Repeals the collections improvement program.



## Opioid Epidemic Response

**HB 3285:** Effective 9/1/2019.

Enacts programs and initiatives to address the opioid epidemic in Texas. Among other things:

- Requires the governor's criminal justice division to establish and administer a grant program to provide opioid antagonists to law enforcement personnel who will likely encounter persons suffering from opioid-related overdose;
- Allows the Health and Human Services Commission to provide opioid antagonists to various personnel and institutions that will likely encounter an opioid overdose;
- Requires the Department of State Health Services to implement a statewide public awareness campaign to explain and clarify risks related to opioid misuse; and
- Requires the Department of State Health Services to collect data regarding overdose deaths and the co-occurrence of substance use disorders and mental illness.

See EDUC. CODE §§51.9362, 61.08205, GOV'T CODE §772.0078, and HEALTH & SAFETY CODE §§461A.059, 481.0764, and Ch. 1001, Subch. K.





## Other Laws and Regulations

**HB 3598:** Effective 6/10/2019.

Makes various amendments to the law governing unclaimed property that is presumed abandoned. Among other changes, allows the attorney general to bring suit in a Travis County district court to enforce a subpoena issued by the Comptroller to compel compliance with Property Code Title 6 (Unclaimed Property). Allows the district court to apply penalties for civil and criminal contempt if a person refuses to comply with the court's order to comply with the subpoena. See PROP. CODE §§74.711, 74.712.

**HB 3800:** Effective 9/1/2019.

Requires law enforcement and prosecutorial entities in counties with a population of more than 50,000 to submit to the OAG certain information related to the investigation and prosecution of criminal offenses involving human trafficking. See CODE CRIM. PROC. Art. 2.305.

**SB 212:** Effective dates vary.

Establishes required reporting structure for incidents of sexual harassment, sexual assault, dating violence, and stalking at institutions of higher education, which includes a criminal offense for knowing failure to make a required report or knowingly making a report with intent to harm or deceive. See EDUC. CODE Ch. 51, Subch. E-2.

## Probate, Trusts, and Estates

**HB 2245:** Effective 9/1/2019.

Clarifies that the terms of a trust prevail over any provision of Property Code Title 9, Subtitle B, except that a trust cannot limit the power of a court, in the interest of justice, to take action or exercise jurisdiction, to order disgorgement of a trustee's compensation or make an award of costs and attorney's fees as may seem equitable and just. Outlines the construction and interpretation of certain trusts, the effect of marriage dissolution on certain transfers in trust, pooled trust subaccounts, and the transfer of trust property to a pooled trust subaccount. See PROP. CODE §§111.0035(b)(5), 112.0335, Ch. 112, Subch. E., 142.010, and Ch. 143.



## Probate, Trusts, and Estates

**HB 2246:** Effective 5/31/2019.

Makes a directed trust advisor a fiduciary regardless of trust terms to the contrary, with certain exceptions. See PROP. CODE §114.0031(e), (e-1).

**HB 2780:** Effective 9/1/2019.

Across various codes, replaces obsolete references to the Probate Code with references to the Estates Code.

**HB 2782:** Effective 9/1/2019.

Makes various revisions to the Estates Code and Government Code regarding the administration of a deceased person's estate. Among other things, the bill:

- Clarifies that a will modification or reformation proceeding is a "probate proceeding" for purposes of the Estates Code;
- Allows for the transfer of probate proceedings to modify or reform the terms of a will, in counties where there is not a statutory probate court or County Court at Law exercising probate jurisdiction, to a district court or to have a statutory probate court judge assigned to the proceeding; and
- Requires the Chief Justice of the Supreme Court, if the judge subject to an order of recusal or disqualification is the presiding judge of the statutory probate courts, to assign a statutory probate judge or former or retired judge of a statutory probate court to hear the case.

See EST. CODE §§31.001(8), 255.456, and GOV'T CODE §§25.002201(b), 25.00255(a).

**SB 874:** Effective 9/1/2019.

Requires the Supreme Court, rather than the Legislature, to promulgate Transfer on Death Deed forms. See GOV'T CODE §22.020(a), (b).



## Records

**HB 402:** Effective 9/1/2019.

Incorporates the Uniform Electronic Legal Material Act (UELMA) into a new chapter in the Government Code, which allows the official publisher (as defined) to designate an electronic record as the official version of legal materials. *See* Gov'T CODE Ch. 2051.

## Specialty Courts

**HB 2955:** Effective 9/1/2019.

Requires a specialty court program to register with OCA, rather than the criminal justice division of the governor's office, before beginning operation. Requires OCA to provide technical assistance to specialty court programs and to monitor specialty courts compliance with programmatic best practices. Requires OCA to notify the criminal justice division of the governor's office about specialty program noncompliance with best practices. Requires OCA to coordinate with and provide information to the criminal justice division on request of the division. *See* Gov'T CODE §121.002(c), (d), (f), (g).

**SB 1180:** Effective 9/1/2019.

Requires the Texas Veterans Commission to annually provide a report on the number of defendants who participated in a veterans treatment court program, the number that completed each program successfully and the number that did not, and the amount of grant funding provided to each program. *See* Gov'T CODE §124.007.



## Supreme Court of Texas

**HB 2737:** Effective 9/1/2019.

Requires the Supreme Court and the Texas Children's Commission to annually provide guidance to judges who preside over child protection services cases or juvenile cases to ensure uniformity across the state. Instructs the Supreme Court to adopt rules to help accomplish this purpose. See Gov'T CODE §22.0135.

**SB 891:** Effective 9/1/2019.

Allows the Children's Commission and the Mental Health Commission to develop and administer grants programs. See Gov'T CODE §22.017.

**SB 2342:** Effective 9/1/2020.

Prevents the Supreme Court, in adopting rules to promote the prompt, efficient, and cost-effective resolution of civil actions where the amount in controversy does not exceed \$100,000, from adopting rules that conflict with other statutory law. Requires the Supreme Court, no later than January 1, 2021, to adopt rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in County Courts at Law in which the amount in controversy does not exceed \$250,000. Requires Court to balance need for lowering discovery cost against the case complexity and discovery needs and prevents Court from adopting rules that conflict with other statutory law. See Gov'T CODE §22.004(h) and (h-1).





## Vetoed Legislation

### **HB 51**

Requires OCA to create and promulgate, by September 1, 2020, certain standard forms for use in criminal actions. Requires the Supreme Court of Texas to, by rule, set the date by which courts must adopt and use the forms, and requires courts to accept the promulgated form unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

### **HB 93**

Requires any signed order issued by a magistrate under the Code of Criminal Procedure or any signed order pertaining to a criminal matter to include the magistrate's signature and the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print.

### **HB 448**

Requires a child under age 2 to ride in a rear-facing car seat unless the child is a certain height or weight or has a documented medical condition preventing the child from riding in a rear-facing car seat. Makes it a fine-only offense for a driver to violate this requirement but also requires law enforcement to issue a warning for a first violation.

### **HB 929**

Requires a magistrate to inform an arrested person that a plea of guilty or nolo contendere for the charged offense may affect the person's eligibility for enlistment or re-enlistment in the US armed forces or may result in the person's discharge for the US armed forces.

### **HB 1771**

Provides that delinquent conduct and conduct indicating a need for supervision do not include the offering or agreeing to receive a fee to engage in sexual conduct and that a child cannot be referred to juvenile court for this conduct. Requires law enforcement taking possession of a child for committing prostitution to use best efforts to deliver the child to the child's parents or a person entitled to take the child, or if unavailable, to contact a local service provider or transfer the child to the Department of Family and Protective Services. Prevents criminal prosecution of a person for prostitution for committing prostitution when younger than age 17.

### **HB 2348**

Prohibits employer from taking adverse employment action against an employee who is a volunteer emergency responder who misses work to respond to an emergency and creates cause of action related to adverse employment action.



## Vetoed Legislation

### [HB 2475](#)

Allows a person, at any time during enrollment in driver responsibility program installment plan, to provide information to the court that the person is indigent.

### [HB 2481](#)

Authorizes a veterans treatment court program to transfer responsibility for supervising a defendant's participation in the program to another program closer to the defendant's residence or workplace. Creates juvenile family drug court program.

### [HB 3078](#)

Requires the Board of Pardons and Paroles to appoint a panel to review clemency applications from persons convicted of an offense committed under duress or coercion as a victim of human trafficking.

### [HB 3082](#)

Makes it a criminal offense for a person to negligently operate an unmanned aircraft over or near a correctional facility, detention facility, or critical infrastructure facility.

### [HB 3195](#)

Permits sharing of information about a child committed to TJJJ with certain entities in connection with transition planning and reentry services. Eliminates requirement that certain juveniles on parole participate in certain educational programs.

### [HB 3490](#)

Modifies the offense of harassment to account for online and social media harassment and abuse.

### [SB 467](#)

Requires the State Commission on Judicial Conduct to include the number of pending complaints and the number of complaints referred to law enforcement in its annual report. Requires the Commission to provide information on the complaint process on its website as well as to create guidelines and a schedule to efficiently and proportionately decide sanctions.

### [SB 511](#)

Authorizes a new civil penalty for installing used tires on vehicles.



## Vetoed Legislation

### **SB 536**

Creates a framework for the appointment of associate judges to assist with guardianship and protective service proceedings and their required qualifications. Outlines an appointed associate judge's compensation and powers. Requires OCA to develop procedures, evaluations, and standards for associate judges to follow.

### **SB 550**

Allows an individual who has a conviction set aside to petition the court that placed them on community supervision for a nondisclosure order.

### **SB 667**

Omnibus guardianship bill that makes various updates to the Estates Code.

### **SB 815**

Clarifies that Article 15.17 magistrature records must be retained in compliance with the State Library and Archives Commission's applicable local government records retention schedule.

### **SB 1575**

Clarifies that contracts entered into by municipalities with federal and state funds for purposes related to disaster recovery are a governmental function and protected with immunity.

### **SB 1804**

Requires a magistrate to send a copy of an order issuing, modifying, or removing a bond condition on a defendant involved in family violence to the state's attorney, chief of police or sheriff in the county where the victim resides, and the victim, and requires law enforcement to enter information regarding the order into TCIC. Requires a peace officer to provide notice to the victim by phone call if the victim is not present when the order is issued. Establishes grant program related to GPS monitoring of family violence defendants and victims. Delays waste facility fee increase assessed by TCEQ.





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# 86th Legislative Update

## Office of Court Administration

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### **Texas Judicial Council.**

The Texas Judicial Council (TJC) was created in 1929 by the 41st Legislature to continuously study and report on the organization and practices of the Texas Judicial Branch. TJC is the policy-making body for the state judiciary.

The Council studies methods to simplify judicial procedures, expedite court business, and better administer justice. It examines the work accomplished by the courts and submits recommendations for improvement of the system to the Legislature, the Governor and the Supreme Court. The Council receives and considers input from judges, public officials, members of the bar, and citizens.