



# Texas Judiciary Legislative Update

Texas Judicial Council  
87th Legislature





*Texas State Capitol*



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## Funding the Judiciary

The Texas Judicial Branch courts and agencies collectively submitted a total biennial budget request of \$757.5 million. Exceptional Item requests totaled \$30.1 million bringing the total request to \$787.6 million.

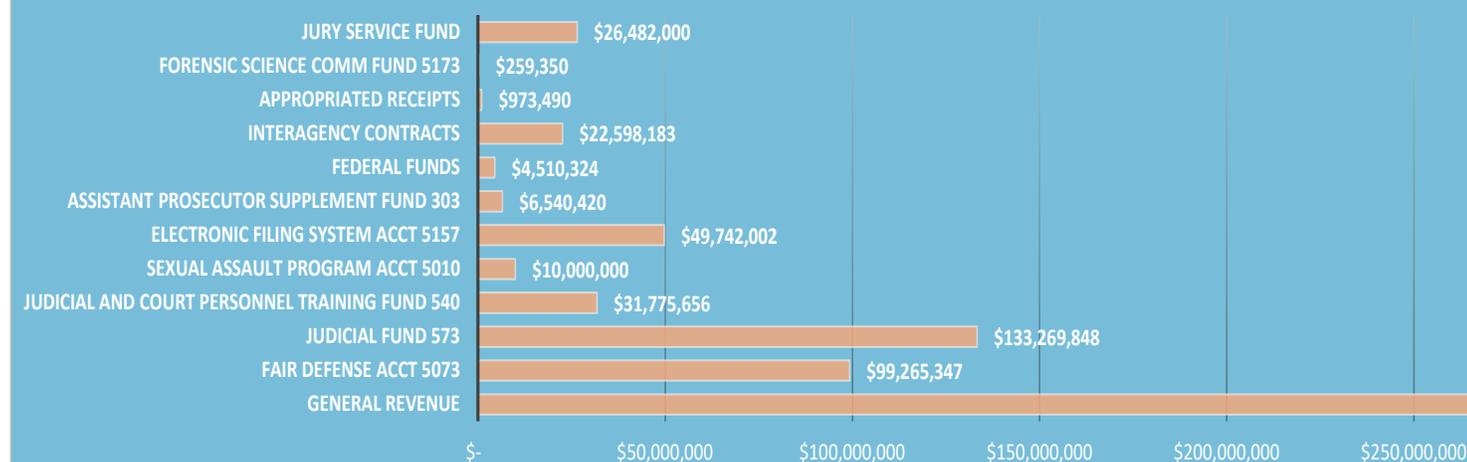
The Conference Committee Report for Senate Bill 1 (CCR SB1) approved by the 87th Legislature appropriated a total of \$797 million to the Judicial Branch courts and agencies. This funding level is approximately \$60 million less or a 7% biennial decrease from 2020-2021 spending levels. CCR SB1 provides a total of 1,538.8 FTEs, a decrease of 8.8 FTEs from 2020-2021 levels. The entire budget for the third branch of government makes up 3.7% of the state budget of Texas.

FY 2020-2021 Total Funding - All Judiciary	
Supreme Court	\$97,285,363
Court of Criminal Appeals	\$46,585,181
1st COA	\$9,608,214
2nd COA	\$7,561,224
3rd COA	\$6,345,376
4th COA	\$7,509,727
5th COA	\$13,356,839
6th COA	\$3,473,364
7th COA	\$4,354,581
8th COA	\$3,382,437
9th COA	\$4,426,470
10th COA	\$3,555,347
11th COA	\$3,451,658
12th COA	\$3,509,104
13th COA	\$6,422,129
14th COA	\$10,001,571
Office of Court Administration	\$199,469,519
Capital and Forensic Writs	\$4,301,421
State Prosecuting Attorney	\$942,240
State Law Library	\$2,186,853
State Commission on Judicial Conduct	\$2,443,908
Judiciary Section, Comptroller's Dept.	\$355,882,996
<b>Total</b>	<b>\$796,055,522</b>



## Funding the Judiciary

### Judicial Branch by Method of Finance

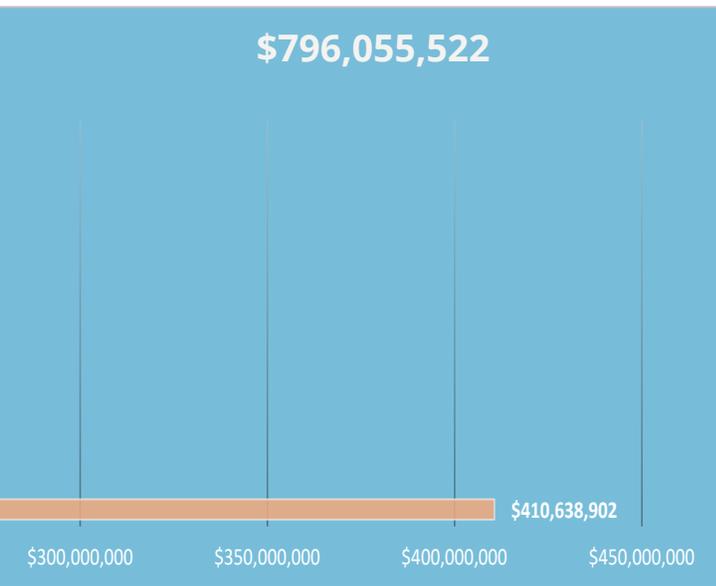


FY2021-2022 Objects of Expense - All Judiciary	
Salaries and Wages	\$389,361,566
Other Personnel Costs	\$8,683,316
Professional Fees	\$12,627,716
Consumables	\$580,357
Utilities	\$615,262
Travel	\$3,764,446
Fuels/Lubricants	\$37,300
Rent-Building	\$595,918
Rent-Machine	\$292,344
Other Operating Exp	\$60,808,839
Grants	\$318,646,040
Capital Expenditures	\$42,418
<b>Total</b>	<b>\$796,055,522</b>

FY 2021-2022 Total Funding - Appellate Courts	
Supreme Court	\$97,285,363
Court of Criminal Appeals	\$46,585,181
1st COA	\$9,608,214
2nd COA	\$7,561,224
3rd COA	\$6,345,376
4th COA	\$7,509,727
5th COA	\$13,356,839
6th COA	\$3,473,364
7th COA	\$4,354,581
8th COA	\$3,382,437
9th COA	\$4,426,470
10th COA	\$3,555,347
11th COA	\$3,451,658
12th COA	\$3,509,104
13th COA	\$6,422,129
14th COA	\$10,001,571
<b>Total</b>	<b>\$230,828,585</b>



## Funding the Judiciary



FY 2021-2022 Total Funding - Judicial Agencies excluding the Appellate Courts	
Office of Court Administration	\$199,469,519
Office of Capital and Forensic Writs	\$4,301,421
Office of the State Prosecuting Attorney	\$942,240
State Law Library	\$2,186,853
State Commission on Judicial Conduct	\$2,443,908
Judiciary Section, Comptroller's Dept.	\$355,882,996
<b>Total</b>	<b>\$565,226,937</b>

METHOD OF FINANCE	2020-2021	2021-2022	INCREASE/(DECREASE)
General Revenue	\$403,206,686	\$410,638,902	\$7,432,216
Fair Defense Account	\$93,146,403	\$99,265,347	\$6,118,944
Judicial Fund 573	\$143,078,708	\$133,269,848	(\$9,808,860)
Judicial & Court Personnel Training Fund 540	\$27,008,764	\$31,775,656	\$4,766,892
Sexual Assault Prgm Fund 5010	\$10,000,000	\$10,000,000	\$0
E-Filing Account 5157	\$60,529,020	\$49,742,002	(\$10,787,018)
Asst Prosecutor Supp Fund 303	\$8,018,000	\$6,540,420	(\$1,477,580)
Federal Funds	\$3,544,671	\$4,510,324	\$965,653
Interagency Contracts	\$21,951,982	\$22,598,183	\$646,201
Appropriated Receipts	\$670,811	\$973,490	\$302,679
Forensic Science Commission Acct 5157	\$273,000	\$259,350	(\$13,650)
Jury Service Fund	\$23,251,000	\$26,482,000	\$3,231,000
<b>Total</b>	<b>\$794,679,045</b>	<b>\$796,055,522</b>	<b>\$1,376,477</b>



## Administrative Judicial Regions

**HB 79:** Effective 9/1/2021.

Requires the presiding judge of each administrative judicial region, after conferring with certain courts with jurisdiction over guardianship proceedings or protective services proceedings, to determine whether those courts require the appointment of an associate judge to assist the courts with guardianship proceedings or protective services proceedings. Outlines associate judge appointment procedures, qualifications, general powers, and compensation, as well as host county designation and responsibilities where the presiding judge determines the courts require the services of an associate judge. Requires the Office of Court Administration to assist the presiding judges in various supervision of, training of, and evaluation of associate judges. *See* GOV'T CODE ch. 54A, subch. D. ***See also* Guardianship and Mental Health.**

**HB 2941:** Effective 6/7/2021.

Provides that the members of an appraisal review board are appointed by the local administrative district judge in the county in which the appraisal district is established. *See* TAX CODE § 6.41.

## Appellate Courts

**HB 2086:** Effective 6/16/2021.

Authorizes the appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that grants or denies a motion for summary judgment filed by a contractor based on the limited liability of a contractor who constructs or repairs a highway, road, or street for the Texas Department of Transportation. *See* CIV. PRAC. & REM. CODE 51.014(a). ***See also* County and District Courts.**

**SB 6:** Effective 6/14/2021.

Provides physicians, health care providers, and first responders, under certain circumstances, exceptions from liability for injuries or death arising from care, treatment, or failure to provide care or treatment relating to or impacted by a pandemic disease or a disaster declaration related to a pandemic disease. Limits the liability, under certain circumstances, of a person who designs, manufactures, sells, or donates certain products during a pandemic emergency for personal injury, death, or property damage caused by the product. Limits the liability of a person, under certain circumstances, for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency. Limits the liability of an educational institution for damages or equitable monetary relief arising from a cancellation or modification of a course, program, or activity of the institution if the cancellation or modification arose during a pandemic emergency under certain circumstances. Permits a person to appeal from an



## Appellate Courts

interlocutory order that overrules an objection filed under a pandemic emergency provision added by the bill or denying relief sought by a motion under a pandemic emergency provision added by the bill. *See* CIV. PRAC. & REM. CODE §§ 51.014(a), 74.155, and ch. 148. ***See also* Civil Law and Procedure.**

**SB 232:** Effective 9/1/2021.

Allows a court to make a preliminary determination regarding whether a claim made by the claimant is a health care liability claim for the purposes of Civil Practice & Remedies Code § 74.351 (expert report). Makes preliminary determination subject to interlocutory appeal. *See* CIV. PRAC. & REM. CODE §§ 51.014(a), 74.351, 74.353. ***See also* Civil Law and Procedure.**

## Civil Law and Procedure

**HB 19:** Effective 9/1/2021.

Provides that, in a civil action involving a commercial motor vehicle, on motion of defendant the court must provide for a bifurcated trial. The trier of fact would determine liability for and amount of compensatory damages in first phase and liability for and amount of exemplary damages in the second phase. Details an employer-defendant's liability for damages caused by ordinary negligence in certain instances and outlines evidence admissibility where action is bifurcated. *See* CIV. PRAC. & REM. CODE ch. 72, subchs. A, B.

**HB 20 (2d Called Session):** Effective 9/9/2021.

Prohibits a social media platform from censoring a user, a user's expression, or a user's ability to receive expression based on certain factors. Authorizes a user to bring an action against a social media platform for violating certain provision established by bill. Authorizes attorney general to bring action to enjoin a violation or potential violation of certain bill provisions. *See* CIV. PRAC. & REM. CODE ch. 143A. ***See also* Special Session Bills.**

**HB 365:** Effective 9/1/2021.

Expands limitations on liability arising from certain farm animal activities. *See* CIV. PRAC. & REM. CODE §§ 87.001, 87.0021, 87.003, 87.004, 87.005.

**HB 1239:** Effective 6/16/2021.

Prohibits a governmental agency or public official from issuing an order that closes or has the effect of closing a place of worship in Texas or a geographic area of the state. Allows a person whose free exercise of religion that has been substantially burdened in violation of the prohibition to assert that violation as



## Civil Law and Procedure

a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person. *See* CIV. PRAC. & REM. CODE §§ 110.001, 110.002, 110.0031, 110.004. ***See also* Government Entity or Political Subdivision.**

**HB 1493:** Effective 9/1/2021.

Prevents a filing entity or foreign filing entity from using a name in Texas that falsely implies an affiliation with a governmental entity. Allows attorney general to seek injunctive relief to require with certain provisions established under the bill. Entitles a governmental unit to enjoin another person's use of an entity name that falsely implies governmental affiliation with the governmental unit. *See* CIV. PRAC. & REM. CODE ch. 150C; BUS. ORGS. CODE §§ 5.064, 5.065. ***See also* Government Entity or Political Subdivision.**

**HB 1578:** Effective 9/1/2021.

Allows, under certain circumstances, a person to recover reasonable attorney's fees from an individual or organization (as defined by Business Organizations Code § 1.002) other than a quasi-governmental entity authorized to perform a function by state law, a religious organization, a charitable organization, or a charitable trust. *See* CIV. PRAC. & REM. CODE § 38.001.

**HB 1939:** Effective 9/1/2021.

Provides that, except for an action for fraud or breach of contract, a person must bring suit for damages or other relief arising from an appraisal or appraisal review conducted by a real estate appraiser or appraisal firm within a certain amount of time. *See* CIV. PRAC. & REM. CODE § 16.013.

**HB 2416:** Effective 9/1/2021.

Allows a person to recovery reasonable attorney's fees from an individual, corporation, or other entity from which recovery is permitted as compensatory damages for breach of a construction contract. *See* CIV. PRAC. & REM. CODE § 38.0015.

**HB 3289:** Effective 9/1/2021.

Creates a civil penalty for violating provisions of the Agriculture Code related to the protection of pecans or pecan trees from disease or pests. Provides a remedy in lieu of civil penalty or criminal penalty for violations of certain Agriculture Code provisions. *See* AGRIC. CODE §§ 71.012, 71.013. ***See also* Criminal Law and Procedure.**

**SB 1 (2d Called Session):** Effective 9/7/2021.

Amends and adds various provisions related to elections in the Elections Code, the Government Code, and the Code of Criminal Procedure. Amends the offense of false statement on a voter registration application and enhances the punishment for the offense. Makes a county civilly liable for certain voter



## Civil Law and Procedure

registrar actions. Makes it an offense for an election officer to intentionally or knowingly refuse to accept a watcher for service when acceptance is required by statute. Expands criminal conduct for unlawfully obstructing an election watcher and provides for certain relief for unlawful prevention or obstruction of an election watcher's duties. Amends various statutes on fraud and other unlawful practices related to voting and adds various offenses related to voting practices. Allows for certain lawsuits alleging improper election activities. Requires a court, where a defendant is adjudged guilty of a felony offense, to make an affirmative finding of the judgment and instruct the defendant regarding how the felony conviction will impact the defendant's right to vote. **See also Criminal Law and Procedure; Elections and Lobbying; Special Session Bills.**

**SB 6:** Effective 6/14/2021.

Provides physicians, health care providers, and first responders, under certain circumstances, exceptions from liability for injuries or death arising from care, treatment, or failure to provide care or treatment relating to or impacted by a pandemic disease or a disaster declaration related to a pandemic disease. Limits the liability, under certain circumstances, of a person who designs, manufactures, sells, or donates certain products during a pandemic emergency for personal injury, death, or property damage caused by the product. Limits the liability of a person, under certain circumstances, for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency. Limits the liability of an educational institution for damages or equitable monetary relief arising from a cancellation or modification of a course, program, or activity of the institution if the cancellation or modification arose during a pandemic emergency under certain circumstances. Permits a person to appeal from an interlocutory order that overrules an objection filed under a pandemic emergency provision added by the bill or denying relief sought by a motion under a pandemic emergency provision added by the bill. *See* CIV. PRAC. & REM. CODE §§ 51.014(a), 74.155, and ch. 148. **See also Appellate Courts.**

**SB 8:** Effective 9/1/2021.

Adds a new subchapter to Health and Safety Code Chapter 171 related to the detection of a fetal heartbeat. Limits how the new subchapter may be construed and provides that the requirements of the new subchapter must be enforced exclusively through certain private civil actions. Provides that any person, other than a state employee or officer, may bring a civil action against any person who engages in certain behavior in violation of the new subchapter. Provides that a civil action cannot be brought by a person who impregnated the abortion patient through an act of rape, sexual assault, incest, or any other act prohibited by certain Penal Code provisions. Provides and limits certain defenses available under the new subchapter. Outlines venue, immunity, and severability. Provides that any entity, attorney, or law firm who seeks declaratory or injunctive relief to prevent the state or local government from enforcing any statute, ordinance, rule, regulation, or other type of law that regulates or restricts abortion or that limits taxpayer funding for individuals or entities that perform or promote abortions, in any state or federal court, or that represents any litigant seeking such relief, is jointly and severally liable to pay the costs and attorney's fees of the prevailing party. Provides prevailing party may bring a civil action



## Civil Law and Procedure

to recover costs and fees against a person that sought declaratory or injunctive relief within a certain amount of time. Adds a new section to the Government Code related to the construction of abortion statutes. *See* HEALTH & SAFETY CODE ch. 171, subch. H; HEALTH & SAFETY CODE §§ 171.005, 171.008, 171.012(a), 245.011(c). CIV. PRAC. & REM. CODE § 30.022; GOV'T CODE § 311.036

**SB 219:** Effective 9/1/2021.

Provides that a contractor is not responsible for the consequences of design defects in and may not warranty the accuracy, adequacy, sufficiency, or suitability of plans, specifications, or other design documents provided to a contractor by a person other than the contractor's agents, contractors, fabricators, or suppliers, or its consultants, of any tier. Requires contractor to disclose in writing, within a certain amount of time, discovered defects, inaccuracies, or other insufficiencies in a plan. Set standards of care for certain designs and professionals. *See* BUS. & COM. CODE ch. 59; CIV. PRAC. & REM. CODE §§ 130.0021, 130.004; TRANS. CODE § 473.003.

**SB 232:** Effective 9/1/2021.

Allows a court to make a preliminary determination regarding whether a claim made by the claimant is a health care liability claim for the purposes of Civil Practice & Remedies Code § 74.351 (expert report). Makes preliminary determination subject to interlocutory appeal. *See* CIV. PRAC. & REM. CODE §§ 51.014(a), 74.351, 74.353. **See also Appellate Courts.**

**SB 484:** Effective 9/1/2021.

Permits a Texas military forces service member ordered to state active duty or training or other duty by the proper state authority, and who is entitled to certain benefits and protections, to retain private legal counsel and file a civil action in state district court if the service member is aggrieved by a violation of or is denied a benefit or protection guaranteed under Government Code § 437.204 or certain federal law. *See* GOV'T CODE § 437.2131. **See also County Courts and District Courts.**

## Clerks

**HB 766:** Effective 1/1/2022, except Section 2 effective 9/1/2021.

Adds new article to the Code of Criminal Procedure related to the entry into the Texas Crime Information Center of certain information regarding orders imposing a condition of bond in a criminal case involving a violent offense. Requires a magistrate, as soon as practicable but not later than the next day after the date the magistrate issues an order imposing a condition of bond for a violent offense, to notify the sheriff of the condition and to provide the sheriff certain information related to the order. Requires the



## Clerks

magistrate, as soon as practicable but not later than the next business day after the date a magistrate revokes or modifies the terms of a bond or disposes of the underlying charges, to notify the sheriff and provide the sheriff with information sufficient to enable the sheriff to make record changes in the database. Requires the clerk of the court that issues an order described by the bill to send a copy to any named person the condition of bond is intended to protect. *See* CODE CRIM. PROC. art. 17.50. ***See also* Criminal Law and Procedure; Magistrates and Magistrate Duties.**

**HB 840:** Effective 9/1/2021.

Allows county commissioners, as an alternative to a certain random selection process for salary grievance committee selection, to direct the county clerk to use a computer to generate a randomized list of names of all persons who served on a grand jury in the county in the preceding calendar year. Requires county commissioners to adopt the randomized list, enter list into meeting minutes, and select in the order of the list the necessary number of public members and alternatives. *See* LOC. GOV'T CODE § 152.015. ***See also* Jury Service and Grand Jury Service.**

**HB 1264:** Effective 9/1/2021.

Requires the local registrar of deaths and the clerks of courts with probate jurisdiction to file their abstracts related to death to the voter registrar and the secretary of state within 7 days after the date the abstract is prepared. *See* ELEC. CODE § 16.001. ***See also* Elections and Lobbying; Probate, Trusts, and Estates.**

**HB 1514:** Effective 5/18/2021.

Amends various provisions of the Estates, Insurance, and Property Codes regarding the administration of unclaimed property. Allows clerk of a court that ordered payment of certain estate shares to the comptroller to provide the copy of the order by certified mail or email. *See* EST. CODE § 551.005(b); INS. CODE § 1109.013; PROP. CODE §§ 72.001, 74.001, 74.101, 74.1011, 74.301, 74.401, 74.405, 74.501, 74.503, 74.506, 74.507, 74.601.

**HB 1831:** Effective 5/15/2021.

Allows a clerk to carry over to the following calendar year not more than 10 hours of completed continuing education courses that exceed the number required each calendar year. *See* GOV'T CODE § 51.605.

**HB 3415:** Effective 9/1/2021.

Allows a county clerk in a county with a population of 800,000 or more to require a person filing certain documents in person to present photo identification to the clerk. *See* LOC. GOV'T CODE § 191.010(b).



## Clerks

### **SB 30:** Effective 9/1/2021.

Allows a person who owns real property or an interest in real property, the chain of title for which includes a recorded conveyance instrument containing a discriminatory provision, or another person with the permission of the owner, to request the removal of the discriminatory provision by completing and filing a motion with certain information in a suggested form. Prohibits clerk from collecting filing fee for motion and requires court to enter appropriate finding of fact and law related to the conveyance. Requires county clerk to maintain index to findings of fact and conclusions of law entered related to the conveyance. *See* PROP. CODE § 5.0261; LOC. GOV'T CODE §§ 193.003(a) and (b). ***See also Costs, Fees, Fines, and Collections.***

### **SB 285:** Effective 9/1/2021.

Requires the clerk of the court to provide the state case registry with a record of a court order for medical support and dental support. Provides that the clerk of a court of a county participating in the unified enforcement system for Title IV-D cases must use a record of support order form that includes an option for the obligee or obligor to apply for child support services provided by the Title IV-D agency. Provides that, in an agreed child support order, a party may sign a waiver using a digitized signature. Provides that a waiver related to an agreed child support order must be sworn before a notary public or executed using an unsworn declaration under Civil Practice and Remedies Code § 132.001. Requires a mailing address in an agreed child support order to be omitted in certain cases. Requires the clerk, if court-ordered, to deliver by substitute service a copy of the petition for confirmation of a nonagreed review order and a copy of the order to each party entitled to service who has not waived service. Extends the amount of time in which a court must sign an agreed child support review order upon its filing. ***See also Family Law.***

### **SB 626:** Effective 9/1/2021.

Omnibus guardianship bill. Requires each party or counsel to include certain identifying information in initial pleadings, including probate or guardianship proceedings, in certain courts, including statutory probate court. Requires county clerk to make and retain copy of entire casefile and transmit original to court where venue is proper for probate proceeding. Authorizes authenticated copy of will or certain testamentary instruments written in language other than English to be filed for recording in certain circumstances. Requires notice to the potential beneficiary, the beneficiary's guardian, and family members when an application for the creation of a management trust is filed. Allows management trust to last until removal of an incapacity or until beneficiary dies. Allows county courts-at-law to hear trust cases when the person under guardianship is a trust's beneficiary. Revises statutes regarding guardianship sale and action procedures. Requires trustee of a management trust created for a ward to provide a copy of the annual account to each guardian of the ward. Clarifies that a court investigator or guardian ad litem may investigate a complete relating to modification or termination of a guardianship. Clarifies what newspaper must be used for notice of a guardianship proceeding. Allows guardianship applicants to submit a declaration under penalty of perjury regarding their commitment to discharge



## Clerks

their duties as a guardian faithfully. Requires attorney general to defend certain judges, including a visiting judge assigned to hear a guardianship or probate matter by the presiding judge of the statutory probate court, in any action in which the judge is a defendant because of the judge's office or capacity as judge, if the judge requests the attorney general's assistance in the defense of the suit. **See also Guardianship and Mental Health; Probate, Trusts, and Estates.**

**SB 907:** Effective 9/1/2021.

Requires Texas Judicial Council, in consultation with the Department of State, to develop and implement rules for a voluntary certification process under which a county clerk may be certified to issue a marriage license to applicants through the use of remote technology. Allows a clerk who has been certified by the Texas Judicial Council to issue a marriage license through the use of remote technology. *See* GOV'T CODE § 71.039; FAM. CODE § 2.0091. **See also Commissions, Committees, Councils, and Task Forces.**

## Commissions, Committees, Councils, And Task Forces

**HB 1296:** Effective 9/1/2021.

Allows a court to serve notice on a guardian by certified mail instead of personal service of a hearing on the court's motion to transfer the guardianship to another county. Allows a court to serve notice on a guardian by certified mail of a hearing on a complaint by the Judicial Branch Certification Commission that the guardian is ineligible to serve due to failure to maintain certification with the Commission. *See* EST. CODE §§ 1023.004, 1203.052. **See also Guardianship and Mental Health.**

**HB 3774:** Effective 9/1/2021 except Sections 1.01, 1.03, 1.05, and 2.04(a) which take effects 1/1/2022; Sections 1.06 and 1.10 which take effect 9/1/2022; Sections 1.04, 1.08, 2.05, and 2.11 which take effect 10/1/2022; and Sections 1.09, 2.09, and 2.10 which take effect 1/1/2023.

Creates six new district courts (478th, composed of Bell County; 480th, composed of Williamson County; 481st, composed of Denton County; 482nd, composed of Harris County; 484th, composed of Cameron County; and 474th, composed of McLennan County). Creates Criminal Judicial District No. 5, composed of Tarrant County. Creates five new statutory county courts (CCL No. 3 of McLennan, CCL No 6 of Montgomery, CCL No. 2 of San Patricio, CCL No. 5 of Williamson, and County Criminal Court No. 6 of Tarrant). Creates Probate Court No. 2 of Denton County. Revises the jurisdiction of various statutory county courts. Revises how the state annually compensates counties that collect certain fees in statutory probate courts. Prohibits a justice or judge in a justice or municipal court from accepting a guilty or no contest plea in criminal proceedings unless it appeared the defendant was mentally competent, and plea was voluntary and free. Establishes dual status case transfer provisions for juvenile/family courts.



## Commission, Committees, Councils, and Task Forces

Extends jurisdiction in criminal actions to certain magistrates in certain counties. Revises the duties of the capital and forensic writ committee to include providing oversight and strategic guidance to the Office of Capital and Forensic Writs. Requires the Office of Court Administration to adopt certain rules related to the transfer of certain documents and cases between courts. Permits applicants for writs of habeas corpus the option of using secure electronic mail to serve a copy of the application on the state's attorneys. Requires citations for receivership for certain missing persons to be posted on a certain website published by the Office of Court Administration. Revises the statutes governing the Forensic Science Commission. Expands the places where jurors may donate their daily reimbursement to include veterans county service offices and removes cap on meal reimbursement given to jurors in certain courts. Allows a judge or magistrate of a district court or statutory county court who is authorized to hear criminal cases to be appointed to preside over a certain regional specialty court program in certain circumstances. Expands the protective order registry maintained by the Office of Court Administration to include certain protective orders. **See also County Courts and District Courts; Criminal Law and Procedure; Juvenile Justice; New Courts; Office of Court Administration.**

**SB 280:** Effective 9/1/2021.

Requires the capital and forensic writs committee to provide oversight and strategic guidance to the Office of Capital and Forensic Writs, including recommending a director for the Office upon a vacancy, setting policy for the Office, and developing a budget proposal. Revises committee composition and qualifications. *See* Gov'T CODE §§ 78.002, 78.003.

**SB 907:** Effective 9/1/2021.

Requires Texas Judicial Council, in consultation with the Department of State, to develop and implement rules for a voluntary certification process under which a county clerk may be certified to issue a marriage license to applicants through the use of remote technology. Allows a clerk who has been certified by the Texas Judicial Council to issue a marriage license through the use of remote technology. *See* Gov'T CODE § 71.039; FAM. CODE § 2.0091. **See also Clerks.**

## Costs, Fees, Fines, and Collections

**HB 80:** Effective 9/1/2021.

Prohibits a judge or justice from imposing a fine and court costs on a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care. Permits the judge or justice, in lieu of a fine, to require the defendant to perform community service. *See* CODE CRIM. PROC. art. 45.041(b-6).



## Costs, Fees, Fines, and Collections

**HB 402:** Effective 9/1/2021.

Authorizes use of certain funds derived from criminal asset forfeiture to cover the costs of a contract with a municipal or county program to provide services to domestic victims of trafficking. *See* CODE CRIM. PROC. art. 59.06. ***See also Criminal Law and Procedure.***

**HB 569:** Effective 9/1/2021.

Requires a justice or judge to apply jail credit toward any outstanding fine or costs in a misdemeanor case punishable by a fine only if the defendant is subsequently confined in a jail or prison in another case if that confinement occurred after the commission of the misdemeanor. Requires that certain notice be given to defendant regarding the jail credit prior to the issuance of an arrest warrant for defendant's failure to appear at the initial court setting. *See* CODE CRIM. PROC. arts. 45.014, 45.041, 45.048. ***See also Justice and Municipal Courts.***

**HB 1213:** Effective 9/1/2021.

Allows for recovery of court reporter costs incurred in a hearing or proceeding for the involuntary detention of a person with mental illness. *See* HEALTH & SAFETY CODE § 571.018(c). ***See also Jury Service and Grand Jury Service.***

**HB 1906:** Effective 6/15/2021.

Requires Office of the Governor's Criminal Justice Division to establish and administer a grant program to reimburse counties for all or part of the costs incurred from monitoring defendants and victims in family violence cases who participate in a global positioning monitoring system. *See* GOV'T CODE § 772.0077. ***See also County and District Courts.***

**SB 30:** Effective 9/1/2021.

Allows a person who owns real property or an interest in real property, the chain of title for which includes a recorded conveyance instrument containing a discriminatory provision, or another person with the permission of the owner, to request the removal of the discriminatory provision by completing and filing a motion with certain information in a suggested form. Prohibits clerk from collecting filing fee for motion and requires court to enter appropriate finding of fact and law related to the conveyance. Requires county clerk to maintain index to findings of fact and conclusions of law entered related to the conveyance. *See* PROP. CODE § 5.0261; LOC. GOV'T CODE §§ 193.003(a) and (b). ***See also Clerks.***



## Costs, Fees, Fines, and Collections

### **SB 41:** Effective 1/1/2022.

Consolidates various civil filing fees, repeals various court fees and costs, and makes conforming changes across several codes.

### **SB 181:** Effective 9/1/2021.

Sets fine for certain drug and controlled substance act convictions. Reduces mandatory license suspensions for conviction of a drug offense. Permits court to waive suspension for certain defendants and permits those subject to the suspension to take certain drug education courses online. *See* CODE CRIM. PROC. art. 102.0179; TRANS. CODE §§ 521.372, 521.374(a) and (b). ***See also Criminal Law and Procedure.***

### **SB 1373:** Effective 9/1/2021.

Clarifies that fines are uncollectible if the defendant is dead or serving life, or the fine remains unpaid after 15 years. Clarifies that court costs include any fee modified or imposed after judgment. Requires judges to inquire on the record about the defendant's ability to pay in Class C misdemeanor cases. *See* CODE CRIM. PROC. arts. 42.15(a-1), 43.015(3), 45.004, and 103.0081. ***See also Criminal Law and Procedure.***

### **SB 1923:** Effective 9/1/2021.

Reclassifies certain criminal court fines and fees as reimbursement fees. Establishes that, for purposes of certain Code of Criminal Procedure provisions relating to costs, fines, and fees, a person is considered to have been convicted if a judgment, a sentence, or both a judgment and a sentence are imposed on the person; if the person receives community supervision, deferred adjudication, or deferred disposition; or if the court defers final disposition of the case or imposition of the judgment and sentence. *See* CODE CRIM. PROC. arts. 42.152(b), 42A.303, 101.004, 102.011, and 102.018; GOV'T CODE § 51.607; Loc. Gov't Code §§ 133.055, 133.058; PARKS & WILD. CODE § 31.127; TRANS. CODE §§ 502.407, 502.473, 502.475, 504.943, 504.945, 521.026, 521.054, 521.221, 547.004, 548.605, and 681.013. ***See also Criminal Law and Procedure.***

## County Courts and District Courts

### **HB 1906:** Effective 6/15/2021.

Requires Office of the Governor's Criminal Justice Division to establish and administer a grant program to reimburse counties for all or part of the costs incurred from monitoring defendants and victims in family violence cases who participate in a global positioning monitoring system. *See* GOV'T CODE § 772.0077. ***See also Costs, Fees, Fines, and Collections.***



## County Courts and District Courts

**HB 3363:** Effective 9/1/2021.

Requires a search warrant for the disclosure of location information created after the issuance of the warrant and held in electronic storage in the possession, care, custody, or control of an electronic communications service provider or remote computing service provider. Provides that only a prosecutor or prosecutor's assistant with jurisdiction may file an application for the warrant, which must be filed with a district court judge in the applicable judicial district. Establishes grounds for warrant issuance, duration, and sealing. Limits the admissibility of evidence obtained through certain required disclosure of location information. *See* CODE CRIM. PROC. arts. 18.01(b), 18.06(a), 18.07(a), 18B.001, and subch. G-1. **See also Criminal Law and Procedure.**

**HB 3774:** Effective 9/1/2021 except Sections 1.01, 1.03, 1.05, and 2.04(a) which take effect 1/1/2022; Sections 1.06 and 1.10 which take effect 9/1/2022; Sections 1.04, 1.08, 2.05, and 2.11 which take effect 10/1/2022; and Sections 1.09, 2.09, and 2.10 which take effect 1/1/2023.

Creates six new district courts (478th, composed of Bell County; 480th, composed of Williamson County; 481st, composed of Denton County; 482nd, composed of Harris County; 484th, composed of Cameron County; and 474th, composed of McLennan County). Creates Criminal Judicial District No. 5, composed of Tarrant County. Creates five new statutory county courts (CCL No. 3 of McLennan, CCL No. 6 of Montgomery, CCL No. 2 of San Patricio, CCL No. 5 of Williamson, and County Criminal Court No. 6 of Tarrant). Creates Probate Court No. 2 of Denton County. Revises the jurisdiction of various statutory county courts. Revises how the state annually compensates counties that collect certain fees in statutory probate courts. Prohibits a justice or judge in a justice or municipal court from accepting a guilty or no contest plea in criminal proceedings unless it appeared the defendant was mentally competent, and plea was voluntary and free. Establishes dual status case transfer provisions for juvenile/family courts. Extends jurisdiction in criminal actions to certain magistrates in certain counties. Revises the duties of the capital and forensic writ committee to include providing oversight and strategic guidance to the Office of Capital and Forensic Writs. Requires the Office of Court Administration to adopt certain rules related to the transfer of certain documents and cases between courts. Permits applicants for writs of habeas corpus the option of using secure electronic mail to serve a copy of the application on the state's attorneys. Requires citations for receivership for certain missing persons to be posted on a certain website published by the Office of Court Administration. Revises the statutes governing the Forensic Science Commission. Expands the places where jurors may donate their daily reimbursement to include veterans county service offices and removes cap on meal reimbursement given to jurors in certain courts. Allows a judge or magistrate of a district court or statutory county court who is authorized to hear criminal cases to be appointed to preside over a certain regional specialty court program in certain circumstances. Expands the protective order registry maintained by the Office of Court Administration to include certain protective orders. **See also Commissions, Committees, Councils, and Task Forces; Criminal Law and Procedure; Juvenile Justice; New Courts; Office of Court Administration.**



## County Courts and District Courts

**HB 4293:** Effective 9/1/2021.

Requires the Office of Court Administration to develop and make available to each county a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. Permits the justices of the justice courts and the judges of the county, statutory county, and district courts with jurisdiction over criminal cases in each county to establish a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. Permits the Office of Court Administration or the judges or justices to partner with municipalities and local law enforcement agencies to allow individuals to whom a peace officer issue a citation and release to receive text message reminders of scheduled court appearances and criminal defendants in municipal court to receive text message reminders of scheduled court appearances. *See* GOV'T CODE ch. 75, subch. J. ***See also Justice Courts and Municipal Courts; Office of Court Administration.***

**SB 484:** Effective 9/1/2021.

Permits a Texas military forces service member ordered to state active duty or training or other duty by the proper state authority, and who is entitled to certain benefits and protections, to retain private legal counsel and file a civil action in state district court if the service member is aggrieved by a violation of or is denied a benefit or protection guaranteed under Government Code § 437.204 or certain federal law. *See* GOV'T CODE § 437.2131. ***See also Civil Law and Procedure.***

## Courthouse Security and Judicial Privacy

**HB 1082:** Effective 5/19/2021.

Limits the public availability of personal information of an elected public officer. *See* GOV'T CODE §§ 552.117(a), 552.1175(a); TAX CODE §25.025(a).



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### **HB 9:** Effective 9/1/2021.

Increases the punishment for obstructing a highway or other passageway if the person prevents the passage of an emergency vehicle operating its emergency audible or visual signals or obstructs access to a hospital or healthcare facility that provides emergency medical care. Requires a person, as a condition of community supervision for certain offenses involving the obstruction of a highway or passageway, to serve a minimum of 10 days in the county jail. *See* CODE CRIM. PROC. art. 42A.517 and PENAL CODE § 42.03.

### **HB 39:** Effective 9/1/2021.

Amends the Family Code to make agreed protective orders civilly and criminally enforceable, amends the list of persons that may file an application for a protective order, and requires that proof of service on a respondent must be filed before a hearing in which a court may issue a protective order by default due to a respondent's failure to appear. *See* FAM. CODE §§ 85.005, 85.006, 85.026, 86.0011(a); CODE CRIM. PROC. arts. 7B.001, 7B.003, 7B.007, 56A.052; PENAL CODE § 25.07. ***See also Family Law.***

### **HB 246:** Effective 9/1/2021.

Prohibits the release to the general public the name of an employee of a public or private primary or secondary school who is accused of committing an offense under Penal Code § 21.12 (Improper Relationship Between Educator and Student) until the employee is indicted for the offense. Allows for certain release of the accused's name regardless of indictment in certain circumstances. *See* PENAL CODE § 21.12.

### **HB 375:** Effective 9/1/2021.

Expands the offense of continuous sexual abuse of a young child to include offenses against "disabled individuals." *See* PENAL CODE § 21.02

### **HB 385:** Effective 9/1/2021.

Amends various laws relating to the conditions of community supervision and procedures applicable to the reduction or termination of a defendant's period of community supervision. Expands the purposes for modifying the conditions of community supervision and expands the court's considerations before ordering the defendant to make payments under Code of Criminal Procedure Chapter 42A (Community Supervision). Requires the court to consider whether defendant has sufficient resources or income to make payments, and where the defendant does not, requires the court to determine whether all or a portion of the payment should be paid later, paid in intervals, waived (completely or partially), discharged through community service, or any combination thereof. Requires supervision officer to notify the court if certain defendants complete court-ordered counseling or treatment and make delinquent restitution payments and requires court to review defendant's record and consider whether to reduce or terminate community supervision. Directs the Office of Court Administration to adopt a standardized form that



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a defendant may use to make a request for reconsideration of ability to pay. *See* CODE CRIM. PROC. arts. 42A.052, 42A.301, 42A.655, 42A.701, 42A.702. ***See also* Office of Court Administration.**

**HB 402:** Effective 9/1/2021.

Authorizes use of certain funds derived from criminal asset forfeiture to cover the costs of a contract with a municipal or county program to provide services to domestic victims of trafficking. *See* CODE CRIM. PROC. art. 59.06. ***See also* Costs, Fees, Fines, and Collections.**

**HB 465:** Effective 9/1/2021.

Removes or limits eligibility considerations to release to parole supervision for individuals serving sentences of certain trafficking of persons offenses involving children. *See* CODE CRIM. PROC. art. 42.01991; GOV'T CODE § 508.145.

**HB 624:** Effective 9/1/2021.

Increases the criminal penalty for certain offenses committed in retaliation for or on account of a person's service or status as a public servant. *See* PENAL CODE § 12.501.

**HB 757:** Effective 9/1/2021.

Prohibits the denial, suspension, or revocation of a professional license or certificate to a qualified individual based on completion of deferred adjudication community supervision in certain cases. Permits occupational licensing agencies to consider the deferred adjudication community supervision in certain instances when issuing, renewing, denying, or revoking a license. *See* CODE CRIM. PROC. art. 42A.111.

**HB 766:** Effective 1/1/2022, except Section 2 effective 9/1/2021.

Adds new article to the Code of Criminal Procedure related to the entry into the Texas Crime Information Center of certain information regarding orders imposing a condition of bond in a criminal case involving a violent offense. Requires a magistrate, as soon as practicable but not later than the next day after the date the magistrate issues an order imposing a condition of bond for a violent offense, to notify the sheriff of the condition and to provide the sheriff certain information related to the order. Requires the magistrate, as soon as practicable but not later than the next business day after the date a magistrate revokes or modifies the terms of a bond or disposes of the underlying charges, to notify the sheriff and provide the sheriff with information sufficient to enable the sheriff to make record changes in the database. Requires the clerk of the court that issues an order described by the bill to send a copy to any named person the condition of bond is intended to protect. *See* CODE CRIM. PROC. art. 17.50. ***See also* Clerks; Magistrates and Magistrate Duties.**



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### [HB 1005](#): Effective 9/1/2021.

Requires that a bail bond for a defendant charged with certain trafficking or prostitution-related offenses must include, along with certain information already required by statute, the address, identification number, and state of issuance as shown on a valid driver's license or identification card for the defendant and any surety. Sets a mandatory bond condition that a defendant charged with a certain trafficking or prostitution-related offense committed against a person 18 years or older be barred from direct or indirect communication with the victim and certain proximity to the victim and victim's child. Raises age at which victim is considered a child for purposes of mandatory bond conditions of a defendant. *See* CODE CRIM. PROC. arts. 17.081, 17.41, 17.465.

### [HB 1156](#): Effective 9/1/2021.

Creates offense of financial abuse of elderly individual. *See* PENAL CODE § 32.55.

### [HB 1280](#): Effective 9/1/2021.

Prohibits a person from knowingly performing, inducing, or attempting an abortion except in certain circumstances. Creates a felony criminal offense for violating the prohibition. Prohibition and related criminal and civil penalties related thereto do not take effect until a certain time. *See* HEALTH AND SAFETY CODE ch. 170A.

### [HB 1306](#): Effective 9/1/2021.

Increases penalty for assault or aggravated assault if committed against a person the individual knew was a process server and while the person was performing a duty as a process server. *See* PENAL CODE §§22.01(b) and (e), 22.02(b) and (d).

### [HB 1403](#): Effective 9/1/2021.

Permits the concurrent or consecutive running of sentences if each sentence is for a conviction of certain sexual, assaultive, or gang-related conduct arising out of the same criminal episode. *See* PENAL CODE § 3.03.

### [HB 1407](#): Effective 9/1/2021.

Creates an exception to the offense of unlawful carrying of a handgun by a license holder who intentionally displays the handgun in plain view of another in a public place and the handgun was holstered, and the handgun and license holder were in a motor vehicle. *See* PENAL CODE § 46.035(a).

### [HB 1480](#): Effective 9/1/2021.

Creates a criminal offense for intentional damages, theft, breaking and entering, or possession of records or equipment without consent for animal or crop facilities. Requires court to order a defendant convicted of offense under bill's provisions to pay restitution. Authorizes injunctive relief by a facility



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owner or operator against a person who engages or threatens to engage in conduct that would be an offense under the bill. *See* AGRIC. CODE ch. 252.

**HB 1920:** Effective 9/1/2021.

Expands defenses to prosecution for possession of a weapon in a secured area of an airport. *See* PENAL CODE § 46.03.

**HB 1925:** Effective 9/1/2021.

Makes it a Class C misdemeanor offense for a person to intentionally or knowingly camp in a public place without effective consent. Prohibits a local entity from adopting or enforcing a policy under which the entity prohibits or discourages the enforcement of any public camping ban and from prohibiting or discouraging a peace officer or prosecuting attorney employed by or under the direction or control of the entity from enforcing a public camping ban. Authorizes Attorney General to bring action to enjoin a violation of the bill's prohibitions. *See* PENAL CODE § 48.05; GOV'T CODE ch. 2306, subch. PP; LOC. GOV'T CODE ch. 364. ***See also* Government Entity or Political Subdivision.**

**HB 1927:** Effective 9/1/2021.

Makes it legal for a person age 21 or older to carry a handgun while not on the person's own premises or premises the person controlled or while not inside of or directly en route to a motor vehicle or watercraft owned or controlled by the person. Makes it an offense for a person to carry a handgun and intentionally display it in plain view of another person in a public place unless the handgun is partially or wholly visible but was carried in a holster. Repeals Penal Code § 46.035 (unlawful carrying of handgun by license holder) and expands scope of Penal Code § 46.03 (places weapons prohibited). Amends and repeals other various provisions related to carrying of handgun. *See* CODE CRIM. PROC. arts. 14.03, 55.01, 55.02; PENAL CODE §§ 30.05, 46.02, 46.03, 46.04, 46.15.

**HB 2048:** Effective 9/1/2021.

Makes it an offense for the operator of a vehicle approaching another vehicle to fail to slow to a specified speed or vacate the lane closest to the other vehicle where that other vehicle, operated or contracted by a toll entity, is using compliant visual signals. *See* TRANSP. CODE § 545.157.

**HB 2112:** Effective 9/1/2021.

Revises various offenses in the Penal Code to provide that a handgun may be carried in a holster rather than specifically in a shoulder or belt holster. *See* PENAL CODE §§ 30.05(f), 30.07(f), 46.02(a-1), 46.035, 46.15(b).



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**HB 2315:** Effective 9/1/2021.

Expands definition of contraband to include, in certain circumstances, property used in the commission of the offense of racing on a highway. *See* CODE CRIM. PROC. art. 59.01(2).

**HB 2352:** Effective 9/1/2021.

Authorizes judge assessing punishment in a state jail felony case to suspend sentence imposition and place defendant on community supervision with condition that defendant participate in a certain educational and vocational pilot program. Eliminates authorization for a judge to require those convicted of a state jail felony and placed on community supervision to serve a certain term in a state jail at the beginning of the community supervision term. Requires Department of Criminal Justice to establish a pilot program to provide educational and vocational training, employment, and reentry services to inmates released on parole who are required to participate in the program as a condition of parole. Requires the Office of Court Administration to develop and annually provide a training program to educate and inform judges on the components of the entire pilot program, which also includes defendants placed on community supervision. *See* CODE CRIM. PROC. art. 42A.562; GOV'T CODE §§ 72.036, 493.034. ***See also Office of Court Administration.***

**HB 2366:** Effective 9/1/2021.

Creates a state jail felony-level offense for exploding or igniting fireworks with the intent to interfere with or flee from a law enforcement officer under certain circumstances. Provides certain penalty enhancements for the offense. Provides penalty enhancement for unlawful use of a laser pointer directed at a uniformed safety officer in certain circumstances. *See* PENAL CODE § 42.13, PENAL CODE ch. 50.

**HB 3157:** Effective 9/1/2021.

Increases the penalties for violating the civil rights of a person in custody and for improper sexual activity with a person in custody. *See* PENAL CODE § 39.04(b).

**HB 3289:** Effective 9/1/2021.

Creates a civil penalty for violating provisions of the Agriculture Code related to the protection of pecans or pecan trees from disease or pests. Provides a remedy in lieu of civil penalty or criminal penalty for violations of certain Agriculture Code provisions. *See* AGRIC. CODE §§ 71.012, 71.013. ***See also Civil Law and Procedure.***

**HB 3363:** Effective 9/1/2021.

Requires a search warrant for the disclosure of location information created after the issuance of the warrant and held in electronic storage in the possession, care, custody, or control of an electronic communications service provider or remote computing service provider. Provides that only a prosecutor or prosecutor's assistant with jurisdiction may file an application for the warrant, which must be filed



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with as district court judge in the applicable judicial district. Establishes grounds for warrant issuance, duration, and sealing. Limits the admissibility of evidence obtained through certain required disclosure of location information. *See* CODE CRIM. PROC. arts. 18.01(b), 18.06(a), 18.07(a), 18B.001, and subch. G-1. **See also County Courts and District Courts.**

**HB 3521:** Effective 9/1/2021.

Expands definition of “coercion” for the offense of trafficking of persons. *See* PENAL CODE § 20A.01.

**HB 3774:** Effective 9/1/2021 except Sections 1.01, 1.03, 1.05, and 2.04(a) which take effects 1/1/2022; Sections 1.06 and 1.10 which take effect 9/1/2022; Sections 1.04, 1.08, 2.05, and 2.11 which take effect 10/1/2022; and Sections 1.09, 2.09, and 2.10 which take effect 1/1/2023.

Creates six new district courts (478th, composed of Bell County; 480th, composed of Williamson County; 481st, composed of Denton County; 482nd, composed of Harris County; 484th, composed of Cameron County; and 474th, composed of McLennan County). Creates Criminal Judicial District No. 5, composed of Tarrant County. Creates five new statutory county courts (CCL No. 3 of McLennan, CCL No. 6 of Montgomery, CCL No. 2 of San Patricio, CCL No. 5 of Williamson, and County Criminal Court No. 6 of Tarrant). Creates Probate Court No. 2 of Denton County. Revises the jurisdiction of various statutory county courts. Revises how the state annually compensates counties that collect certain fees in statutory probate courts. Prohibits a justice or judge in a justice or municipal court from accepting a guilty or no contest plea in criminal proceedings unless it appeared the defendant was mentally competent, and plea was voluntary and free. Establishes dual status case transfer provisions for juvenile/family courts. Extends jurisdiction in criminal actions to certain magistrates in certain counties. Revises the duties of the capital and forensic writ committee to include providing oversight and strategic guidance to the Office of Capital and Forensic Writs. Requires the Office of Court Administration to adopt certain rules related to the transfer of certain documents and cases between courts. Permits applicants for writs of habeas corpus the option of using secure electronic mail to serve a copy of the application on the state’s attorneys. Requires citations for receivership for certain missing persons to be posted on a certain website published by the Office of Court Administration. Revises the statutes governing the Forensic Science Commission. Expands the places where jurors may donate their daily reimbursement to include veterans county service offices and removes cap on meal reimbursement given to jurors in certain courts. Allows a judge or magistrate of a district court or statutory county court who is authorized to hear criminal cases to be appointed to preside over a certain regional specialty court program in certain circumstances. Expands the protective order registry maintained by the Office of Court Administration to include certain protective orders. **See also Commissions, Committees, Councils, and Task Forces; County Courts and District Courts; Juvenile Justice; New Courts; Office of Court Administration.**

**SB 1 (2d Called Session):** Effective 9/7/2021.

Amends and adds various provisions related to elections in the Elections Code, the Government Code, and the Code of Criminal Procedure. Amends the offense of false statement on a voter registration



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application and enhances the punishment for the offense. Makes a county civilly liable for certain voter registrar actions. Makes it an offense for an election officer to intentionally or knowingly refuse to accept a watcher for service when acceptance is required by statute. Expands criminal conduct for unlawfully obstructing an election watcher and provides for certain relief for unlawful prevention or obstruction of an election watcher's duties. Amends various statutes on fraud and other unlawful practices related to voting and adds various offenses related to voting practices. Allows for certain lawsuits alleging improper election activities. Requires a court, where a defendant is adjudged guilty of a felony offense, to make an affirmative finding of the judgment and instruct the defendant regarding how the felony conviction will impact the defendant's right to vote. **See also Civil Law and Procedure; Elections and Lobbying; Special Session Bills.**

**SB 4 (2d Called Session):** Effective 9/17/2021.

Creates a state jail felony offense for certain persons who intentionally, knowingly, or recklessly violates certain provisions relating to abortion-inducing drugs. See HEALTH & SAFETY CODE § 171.065. **See also Special Session Bills.**

**SB 5 (3d Called Session):** Effective 10/25/2021

Repeals and replaces the Health and Safety Code subchapter addressing the unlawful restraint of dogs. Makes a first-time offense a Class C misdemeanor and classifies repeat violations as a Class B misdemeanor. See HEALTH & SAFETY CODE ch. 821, subch. E. **See also Special Session Bills.**

**SB 6 (2d Called Session):** Effective 1/1/2022 except for Sections 4, 6, 17, 18, 19, 20, and 21 and Articles 17.021, 17.024, 17.15(a), and 17.15(c), Code of Criminal Procedure, as added or amended by Act, which take effect 12/2/2021.

Amends various provisions of the Code of Criminal Procedure, the Government Code, and the Local Government Code related to the Texas bail system. Requires any person to be eligible for bail unless denial of bail expressly permitted by Texas Constitution or other law. Requires a magistrate to grant or deny bail within 48 hours of defendant's arrest and requires magistrate to set bail at least restrictive and minimum amount necessary to ensure defendant's appearance while ensuring safety of community. Requires OCA to develop a public safety report system standardized for statewide use that meets certain specifications. Requires a magistrate setting bail to consider a public safety report for a defendant charged with a Class B misdemeanor or higher category of offense. Requires OCA to develop a training course regarding magistrate's duties with respect to public safety reports and setting bail. Expands rules for fixing the amount of bail and requires magistrate to consider defendant's criminal history and immigration status before setting bail. Regulates charitable organizations that solicit donations from the public for the purpose of posting bail bonds for defendants and imposes certain filing and reporting requirements on such organizations. Requires OCA to annually submit a report regarding the charitable organizations. Requires OCA to develop statewide procedures and forms to be used by courts to facilitate the refund of cash paid toward a monetary bail and the application of those funds to outstanding costs, fines, or



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fees. Requires OCA to promulgate a bail form for use by magistrates, judges, sheriffs, peace officers, and jailers each time bail is set. Requires the clerk of each court setting bail to include certain information in its monthly report to OCA and requires OCA to post the information on its website without disclosing certain personal information of the defendant, judge, or magistrate. Limits the amount that a clerk may deduct from a defendant's cash bond or cash bail bond. **See also Magistrates and Magistrate Duties; Office of Court Administration; Special Session Bills.**

**SB 48:** Effective 9/1/2021.

Expands list of animal cruelty offenses for which a judge granting community supervision could require individuals to relinquish custody of any animals, prohibit the individual from possessing or controlling animals or residing in a house where animals are present, or require the individual to participate in certain counseling or other appropriate treatment. *See* CODE CRIM. PROC. § 42A.511(c).

**SB 109:** Effective 9/1/2021.

Changes the name of offense of "securing execution of document by deception" to "fraudulent securing of document execution," revises offense elements to account for certain effective consent, and defines "effective consent." *See* PENAL CODE § 32.46.

**SB 111:** Effective 9/1/2021.

Requires a law enforcement agency that files a case with the attorney representing the state to submit to the prosecutor a written statement from an officer attesting that all exculpatory, impeaching, or mitigating evidence in the agency's possession has been released to the state's attorney at the time the case is filed. Requires that any exculpatory, impeaching, or mitigating evidence collected afterward must be promptly turned over to the state's attorney. *See* CODE CRIM. PROC. art. 2.1397.

**SB 112:** Effective 9/1/2021.

Requires a warrant to obtain the disclosure of location information held in electronic storage in the possession, care, custody, or control of a provider of an electronic communications service or provider of a remote computing service. Mandates that only certain prosecutors may file an application for the warrant and allows district court judge to issue warrant to obtain disclosure of location regardless of where location information is held. Details the emergency disclosure of location information without a warrant and admissibility of location information. *See* CODE CRIM. PROC. arts. 18.01(b), 18.06(a), 18.07(a), 18B.202(c), and ch. 18B, subch. G-1.

**SB 162:** Effective 9/1/2021.

Makes it a state jail felony-level offense for a person, while prohibited from possessing a firearm under state or federal law, to knowingly make a materially false statement on a form that is required by state



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or federal law for the purchase, sale, or transfer of a firearm and that is submitted to a licensed firearms dealer. *See* PENAL CODE § 46.06.

**SB 181:** Effective 9/1/2021.

Sets fine for certain drug and controlled substance act convictions. Reduces mandatory license suspensions for conviction of a drug offense. Permits court to waive suspension for certain defendants and permits those subject to the suspension to take certain drug education courses online. *See* CODE CRIM. PROC. art. 102.0179; TRANS. CODE §§ 521.372, 521.374(a) and (b). ***See also* Costs, Fees, Fines, and Collections.**

**SB 312:** Effective 9/1/2021.

Increases the punishment for the criminal offense of improper sexual activity with a person in custody. *See* PENAL CODE § 39.04(b).

**SB 315:** Effective 5/24/2021.

Prohibits an individual younger than 18 years of age from being on premises operating as a sexually oriented business that is covered by a permit or license issued under the Alcoholic Beverage Code. Creates an offense related to the prohibition. Expands scope of common nuisance related to employment or contracting for work or services with an individual younger than age 21 for work or services performed, or for permitting an individual younger than 18 to enter premises. *See* ALCO. BEV. CODE § 106.17; BUS. & COM. CODE §§ 102.0031, 102.004, 102.005, 125.0015; LAB. CODE §§ 51.016, 51.031.

**SB 335:** Effective 9/1/2021.

Requires a person from whom toxicology evidence was collected and, if the person is a minor, the person's parent or guardian, to be notified of the periods for which the evidence is authorized to be retained and preserved. Authorizes the entity or individual charged with storing toxicological evidence to destroy the evidence on expiration of the applicable retention period. *See* CODE CRIM. PROC. art. 38.50.

**SB 500:** Effective 9/1/2021.

Creates an offense for operating a boarding home facility without the required local permit from the applicable municipality or county. *See* HEALTH & SAFETY CODE § 260.0051.

**SB 516:** Effective 9/1/2021.

Makes offense of criminal mischief a third-degree felony if the actor causes wholly or partly impairment or interruption of access to an automated teller machine, regardless of the amount of the pecuniary loss. *See* PENAL CODE §§ 28.03(b) and (g).



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### **SB 530:** Effective 9/1/2021.

Creates a criminal offense for harassment for certain communications published on an Internet website, including a social media platform, that causes distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern. *See* PENAL CODE § 42.07.

### **SB 550:** Effective 9/1/2021.

Provides that a handgun may be carried in a holster, rather than specifically in a shoulder or belt holster. *See* PENAL CODE §§ 46.035, 30.05, 30.07, 46.02, 46.15.

### **SB 576:** Effective 9/1/2021.

Revises provisions relating to the prosecution and punishment of the offense of smuggling of persons. *See* PENAL CODE §§ 20.01, 20.05.

### **SB 623:** Effective 9/1/2021.

Amends law relating to the investigation and punishment of certain sexual offenses, to protective orders issued on the basis of certain sexual offenses, to crime victims' compensation, and to the establishment of a state sexual offense prevention and response program for the Texas Military Department. *See* GOV'T CODE ch. 432, subch. J-1; CODE CRIM. PROC. arts. 7B.001, 7B.002.

### **SB 768:** Effective 9/1/2021.

Revises the penalty grouping for certain controlled substances and controlled substance analogues under the Texas Controlled Substances Act. Creates an offense for the manufacture or delivery of certain substances. Provides that a defendant is not eligible for community supervision under certain circumstances, including a conviction for manufacture or delivery of certain controlled substances. *See* HEALTH & SAFETY CODE §§ 481.002, 481.102, 481.1022, 481.106, 481.1123, 481.115, 481.122, 481.124, 481.134, 481.140, 481.141, and 161.042; CODE CRIM. PROC. arts. 42A.054, 42A.056, and 42A.102; GOV'T CODE § 508.149; Occ. Code § 551.003; PENAL CODE §§ 22.041 71.023.

### **SB 906:** Effective 9/1/2021.

Authorizes an attorney for the state to file a petition alleging a person is a sexually violent predator and requires the judge to commence a trial to determine whether the person is a sexually violent predator. Details jury proceeding for civil commitment proceeding. Requires the Texas Civil Commitment Office to report a change in address to each local law enforcement authority serving as the current or proposed primary registration authority for a person required to register who is civilly committed as a sexual violent predator. Creates exceptions to certain requirements for persons required to register as a sex offender. *See* CODE CRIM. PROC. art. 62.055; HEALTH & SAFETY CODE §§ 841.041, 841.061, 841.062, 841.063, 841.064, 841.0834, 841.0837, 841.084, 841.146, 841.151, 841.0834.



## Criminal Law and Procedure

### **SB 957:** Effective 9/1/2021.

Prevents the attorney general from denying or reducing an award otherwise payable under the Crime Victims' Compensation Act based on the interactions of the claimant or victim with law enforcement at the crime scene or hospital unless the attorney general finds that the claimant or victim, subsequent to the interactions, failed or refused to substantially cooperate with law enforcement. *See* CODE CRIM. PROC. art. 56B.107.

### **SB 1055:** Effective 9/1/2021.

Makes it an offense for a person to, with criminal negligence, operate a motor vehicle within the area of a crosswalk and cause certain injury to a pedestrian or a person operating a bike, motor scooter, or other vulnerable vehicle. *See* TRANS. CODE §§ 545.428, 544.007.

### **SB 1056:** Effective 9/1/2021.

Creates an offense related to the making of a false report of a criminal offense or emergency that causes an emergency response. *See* PENAL CODE § 42.0601; CODE CRIM. PROC. arts. 13.40, 42.014, and 42.037; FAM. CODE § 51.03.

### **SB 1373:** Effective 9/1/2021.

Clarifies that fines are uncollectible if the defendant is dead or serving life, or the fine remains unpaid after 15 years. Clarifies that court costs include any fee modified or imposed after judgment. Requires judges to inquire on the record about the defendant's ability to pay in Class C misdemeanor cases. *See* CODE CRIM. PROC. arts. 42.15(a-1), 43.015(3), 45.004, and 103.0081. ***See also Costs, Fees, Fines, and Collections.***

### **SB 1923:** Effective 9/1/2021.

Reclassifies certain criminal court fines and fees as reimbursement fees. Establishes that, for purposes of certain Code of Criminal Procedure provisions relating to costs, fines, and fees, a person is considered to have been convicted if a judgment, a sentence, or both a judgment and a sentence are imposed on the person; if the person receives community supervision, deferred adjudication, or deferred disposition; or if the court defers final disposition of the case or imposition of the judgment and sentence. *See* CODE CRIM. PROC. arts. 42.152(b), 42A.303, 101.004, 102.011, and 102.018; GOV'T CODE § 51.607; Loc. Gov't Code §§ 133.055, 133.058; PARKS & WILD. CODE § 31.127; TRANS. CODE §§ 502.407, 502.473, 502.475, 504.943, 504.945, 521.026, 521.054, 521.221, 547.004, 548.605, and 681.013. ***See also Costs, Fees, Fines, and Collections.***

### **SCR 1:** Signed by Governor 5/28/2021.

Concurrent resolution expressing opposition to the enactment or enforcement in Texas of a law, under a federal mandate, that automatically suspends the driver's license of an individual who is convicted of certain offenses.



## Elections and Lobbying

**HB 574:** Effective 9/1/2021.

Creates a second-degree felony offense related to the counting of invalid votes or refusal to count valid votes in an election. *See* ELEC. CODE § 276.014.

**HB 1264:** Effective 9/1/2021.

Requires the local registrar of deaths and the clerks of courts with probate jurisdiction to file their abstracts related to death to the voter registrar and the secretary of state within 7 days after the date the abstract is prepared. *See* ELEC. CODE § 16.001. ***See also* Clerks; Probate, Trusts, and Estates.**

**SB 1 (2d Called Session):** Effective 9/7/2021.

Amends and adds various provisions related to elections in the Elections Code, the Government Code, and the Code of Criminal Procedure. Amends the offense of false statement on a voter registration application and enhances the punishment for the offense. Makes a county civilly liable for certain voter registrar actions. Makes it an offense for an election officer to intentionally or knowingly refuse to accept a watcher for service when acceptance is required by statute. Expands criminal conduct for unlawfully obstructing an election watcher and provides for certain relief for unlawful prevention or obstruction of an election watcher's duties. Amends various statutes on fraud and other unlawful practices related to voting and adds various offenses related to voting practices. Allows for certain lawsuits alleging improper election activities. Requires a court, where a defendant is adjudged guilty of a felony offense, to make an affirmative finding of the judgment and instruct the defendant regarding how the felony conviction will impact the defendant's right to vote. ***See also* Civil Law and Procedure; Criminal Law and Procedure; Special Session Bills.**

## Family Law

**HB 39:** Effective 9/1/2021.

Amends the Family Code to make agreed protective orders civilly and criminally enforceable, amends the list of persons that may file an application for a protective order, and requires that proof of service on a respondent must be filed before a hearing in which a court may issue a protective order by default due to a respondent's failure to appear. *See* FAM. CODE §§ 85.005, 85.006, 85.026, 86.0011(a); CODE CRIM. PROC. arts. 7B.001, 7B.003, 7B.007, 56A.052; PENAL CODE § 25.07. ***See also* Criminal Law and Procedure.**



## Family Law

### **HB 135:** Effective 9/1/2021.

Requires the Department of Family and Protective Services to inform an alleged perpetrator of child abuse or neglect, before conducting an interview with the alleged perpetrator, that he or she may create an audio or video recording of the interview and that the recording may be subject to subpoena. *See* FAM. CODE § 261.3027.

### **HB 458:** Effective 9/1/2021.

Amends the Family Code related to the collection and enforcement of income withholding for the payment of child support. Expands the definition of earnings for child support calculations to include compensation from a transportation network company and from a person that operates a technology platform used to make deliveries to customers. *See* FAM. CODE §§ 101.011, 234.101.

### **HB 567:** Effective 9/1/2021.

Amends various sections of the Family Code related to the procedures and grounds for terminating the parent-child relationship, for taking possession of a child, and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services. Requires an attorney ad litem appointed for a child in a proceeding under Family Code Chapter 264 (child welfare services) to perform certain tasks while representing the child. *See* FAM. CODE §§ 107.003, 107.004, 161.001(c), 161.101, 261.001, 262.116, 262.201, 263.002, 263.401, 263.4011, 263.403, 264.203.

### **HB 851:** Effective 9/1/2021.

Provides that a party who files a motion to modify maintenance based on a material and substantial change of circumstances cannot be considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter. Provides that a party who files a motion to modify an order that provides for the appointment of a conservator of a child, provide terms and conditions of conservatorship, provides for possession of or access to a child, or provides for support of a child based on a material and substantial change of circumstances cannot be considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter. *See* FAM. CODE §§ 8.057(c-1), 156.007.

### **HB 867:** Effective 9/1/2021.

Makes various amendments to Family Code related to qualified domestic relations orders. Provides that the amount of maintenance specified in a court order or the portion of a decree that provides for the maintenance of a former spouse may be modified by the filing of a motion in the court that originally rendered the order. Prevents a court from increasing the maintenance to an amount or duration that exceeds the amount or remaining duration of the original maintenance order. Permits a party to a maintenance order to petition the court for a qualified domestic relations order. Provides that the court that rendered the maintenance payment or that obtains jurisdiction to enforce the maintenance has



## Family Law

continuing jurisdiction to render enforceable qualified domestic relations orders. Provides that the court rendering the order retains continuing jurisdiction to amend the order, to convert the amount or frequency of payments under the order, or to vacate or terminate the order. Permits a party to a child support order or the Title IV-D agency to petition the court for a qualified domestic relations order. Provide that the court that rendered the child support order or that obtains jurisdiction to enforce a child support order under Chapter 159 has continuing jurisdiction to render enforceable qualified domestic relations orders. Provide that the court rendering the order retains continuing jurisdiction to amend the order, to convert the amount or frequency of the payments under the order, or to vacate or terminate the order. *See* FAM. CODE §§ 8.057, 8.059, 154.003; FAM. CODE ch. 8, subch. H; FAM. CODE ch. 157, subch. J.

**HB 868:** Effective 9/1/2021.

Provides that, in a jury trial, a party is entitled to a verdict by jury and the court may not contravene a jury verdict on the issues of the determination of whether to impose a restriction on the geographic area in which a sole managing conservator may designate the child's primary residence and, if the restriction is imposed, the determination of the geographic area within which the sole managing conservator must designate the child's primary residence. Prevents the court from submitting certain questions to the jury on the issues of any right or duty of a conservator. *See* FAM. CODE § 105.002(c).

**HB 1012:** Effective 9/1/2021.

Requires a person applying for a writ authorizing entry to a former residence to retrieve personal property to apply to the court that has jurisdiction over a pending suit under the Family Code or which has jurisdiction over a divorce decree or annulment, or neither of these options are applicable, to a justice court. *See* PROP. CODE §§ 24A.002, 24A.0021, 24A.003. **See also Justice Courts and Municipal Courts.**

**HB 1227:** Effective 9/1/2021.

Requires court that modifies an existing order for financial support of a child by requiring that payments be made to the Department of Family and Protective Services to notify the Office of the Attorney General not later than the 10th day after the date the order is rendered. *See* FAM. CODE § 154.001.

**HB 1315:** Effective 9/1/2021.

Provides that in a suit filed by a governmental entity in which termination of the parent-child relationship or appointment of the entity as a conservator of the child is requested, an order appointing the Department of Family and Protective Services as the child's managing conservator is required to provide for the continuation of the appointment of the guardian ad litem or attorney ad litem for the child, or an attorney appointed to serve in the dual role, for the duration of the child's time in the Department's conservatorship. *See* FAM. CODE § 107.016.



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**HB 1372:** Effective 9/1/2021.

Allows protective order petitioners to request separation of their wireless telephone number from the respondent's wireless telephone service account if the petitioner is the primary user of that number. Allows a petitioner's request to include a phone number used primarily by the petitioner's child. Requires court in certain circumstances to render separate order directing wireless telephone service provider to transfer billing responsibilities and rights to each listed number to the petitioner. Directs service providers, on receipt of order, to comply with order. Limits civil liability of provider and agents for actions taken as required by court order. *See* FAM. CODE § 85.0225; BUS. & COM. CODE ch. 608.

**HB 1849:** Effective 9/1/2021.

Provides that the death of a child's conservator constitutes a material and substantial change of circumstances sufficient to justify a temporary order and modification of an existing court order or portion of a decree that provides for the appointment of a conservator or that sets the terms and conditions of conservatorship or for visitation with the child. *See* FAM. CODE § 156.106.

**HB 2058:** Effective 9/1/2021.

Requires a judge, at each permanency hearing after the court renders a final order, to review the Department of Public Safety's efforts to ensure that the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan. *See* FAM. CODE § 263.5031(b).

**HB 2536:** Effective 5/15/2021.

Prohibits a court from ordering the involuntary termination of the parent-child relationship based on evidence that the parent sought an opinion from more than one medical provider relating to the child's medical care, transferred the child's medical care to a new medical provider, or transferred the child to another health care facility. *See* FAM. CODE § 161.001.

**HB 2924:** Effective 9/1/2021.

Narrows the circumstances under which a court may terminate a parent's right to a child in certain cases. *See* FAM. CODE §§ 161.001, 262.2015.

**HB 2926:** Effective 9/1/2021.

Establishes conditions under which a petition for the reinstatement of parental rights could be filed following the involuntary termination of the parent-child relationship. *See* FAM. CODE ch. 161, subch. D.



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### **HB 3009:** Effective 9/1/2021.

Requires court, in appointing a child custody evaluator in a suit in which a party subject to the evaluation does not speak English as a primary language, to ensure the evaluator is able to effectively communicate in the primary language of the party or will be assisted by a licensed or certified interpreter. *See* FAM. CODE § 107.103.

### **HB 3041:** Effective 9/1/2021.

Requires the Department of Family and Protective Services (DFPS) to establish a pilot program for family preservation services in certain child protective service regions in the state. Outlines court proceedings for requiring an applicable family or child to obtain family preservation services. Requires the court to appoint attorneys ad litem and details when the court must order DFPS to provide family preservation services and to execute a family preservation services plan. *See* FAM. CODE ch. 262, subch. F.

### **HB 3165:** Effective 6/4/2021.

Creates a new affirmative defense to an allegation that a child committed truant conduct if the absences from school were due to the child's voluntary absence from the child's home because of abuse. *See* FAM. CODE § 65.003. **See also Juvenile Justice.**

### **HB 3203:** Effective 9/1/2021.

Adds to the list of alternative beginning and ending visitation times by a possessory conservator a provision that for weekend periods extended by a student holiday or teacher in-service day that falls on a Monday, the possession period ends 8AM Tuesday. Adds provision regarding beginning and ending possession periods in standard possession order for parents residing 50 miles or less apart. *See* FAM. CODE §§ 153.317(a), 153.3171.

### **SB 285:** Effective 9/1/2021.

Requires the clerk of the court to provide the state case registry with a record of a court order for medical support and dental support. Provides that the clerk of a court of a county participating in the unified enforcement system for Title IV-D cases must use a record of support order form that includes an option for the obligee or obligor to apply for child support services provided by the Title IV-D agency. Provides that, in an agreed child support order, a party may sign a waiver using a digitized signature. Provides that a waiver related to an agreed child support order must be sworn before a notary public or executed using an unsworn declaration under Civil Practice and Remedies Code § 132.001. Requires a mailing address in an agreed child support order to be omitted in certain cases. Requires the clerk, if court-ordered, to deliver by substitute service a copy of the petition for confirmation of a nonagreed review order and a copy of the order to each party entitled to service who has not waived service. Extends the amount of time in which a court must sign an agreed child support review order upon its filing. **See also Clerks.**



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### **SB 286:** Effective 9/1/2021.

Requires the court, whenever possible, to rely on evidence of an obligor's resources when determining the appropriate amount of child support to order. Requires court, in absence of evidence of a party's resources, to consider certain relevant background circumstances regarding the obligor. Prohibits courts from treating incarceration as intentional unemployment or underemployment in establishing or modifying support orders. Amends guidelines for computing certain support of children. Requires court to confirm the amount of arrearages and render certain cumulative money judgment. *See* FAM. CODE §§ 8.062, 154.0655, 154.066, 154.125, 154.129, 156.401, 157.005, 157.263, 159.605, 234.007; PROP. CODE § 240.009.

### **SB 567:** Effective 9/1/2021.

Authorizes a domestic relations office to file suit under Family Code Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship), including a suit to establish paternity and to enforce, clarify, or modify a court order for child support or for possession of and access to a child. *See* FAM. CODE § 203.004(a).

## Government Entity or Political Subdivision

### **HB 525:** Effective 6/18/2021.

Prohibits a governmental entity from prohibiting a religious organization from engaging in religious or other related activities at any time, including during a declared state of disaster. Allows a person to assert a violation of the prohibition as a claim or defense in a judicial or administrative proceeding and allows person to obtain certain injunctive and declaratory relief. Authorizes Attorney General to enforce new provisions. *See* GOV'T CODE ch. 2401.

### **HB 1118:** Effective 5/18/2021.

Requires certain local government employees to undergo certain cybersecurity training. Requires each applicable state agency strategic plan of operation to include a written certification of the agency's compliance with training requirements. *See* GOV'T CODE §§ 772.012, 2054.5191, 2056.002(b).

### **HB 1239:** Effective 6/16/2021.

Prohibits a governmental agency or public official from issuing an order that closes or has the effect of closing a place of worship in Texas or a geographic area of the state. Allows a person whose free exercise of religion that has been substantially burdened in violation of the prohibition to assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought



## Government Entity or Political Subdivision

in the name of the state or by any other person. *See* CIV. PRAC. & REM. CODE §§ 110.001, 110.002, 110.0031, 110.004. ***See also Civil Law and Procedure.***

**HB 1322:** Effective 9/1/2023.

Requires a state agency that files notice of a proposed rule with the Secretary of State under the Administrative Procedure Act to publish on its website a summary of the proposed rule written in plain language in both English and Spanish. *See* GOV'T CODE § 2001.023.

**HB 1493:** Effective 9/1/2021.

Prevents a filing entity or foreign filing entity from using a name in Texas that falsely implies an affiliation with a governmental entity. Allows attorney general to seek injunctive relief to require with certain provisions established under the bill. Entitles a governmental unit to enjoin another person's use of an entity name that falsely implies governmental affiliation with the governmental unit. *See* CIV. PRAC. & REM. CODE ch. 150C; BUS. ORGS. CODE §§ 5.064, 5.065. ***See also Civil Law and Procedure.***

**HB 1925:** Effective 9/1/2021.

Makes it a Class C misdemeanor offense for a person to intentionally or knowingly camp in a public place without effective consent. Prohibits a local entity from adopting or enforcing a policy under which the entity prohibits or discourages the enforcement of any public camping ban and from prohibiting or discouraging a peace officer or prosecuting attorney employed by or under the direction or control of the entity from enforcing a public camping ban. Authorizes Attorney General to bring action to enjoin a violation of the bill's prohibitions. *See* PENAL CODE § 48.05; GOV'T CODE ch. 2306, subch. PP; LOC. GOV'T CODE ch. 364. ***See also Criminal Law and Procedure.***

**HB 3069:** Effective 6/14/2021.

Shortens the limitations period under which a governmental entity could bring a suit for damages for certain claims against design professionals who designed, planned, or inspected the construction of an improvement to real property or equipment attached to real property, or against a person who constructed or repaired an improvement to real property. *See* CIV. PRAC. & REM. CODE §§ 16.008, 16.009.

**SB 44:** Effective 9/1/2021.

Provides up to 10 days of paid leave each fiscal year for executive and judicial branch state employees who are volunteers of any organization that is a member of the Texas Voluntary Organizations Active in Disaster to participate in disaster relief services for a state of disaster declared by the Governor. *See* GOV'T CODE § 661.9075.



## Government Entity or Political Subdivision

**SB 211:** Effective 9/1/2021.

Allows certain persons to appeal certain TCEQ actions by filing a petition in a Travis County district court within certain amount of time. Requires petitions against certain political subdivisions exercising power under the Solid Waste Act to be filed within 30 days of the relevant act and requires service of citation of the petition within the same timeframe. See HEALTH & SAFETY CODE §§ 361.321, 361.322, 382.032; WATER CODE § 5.351.

**SB 282:** 9/1/2021.

Prohibits the legislature from appropriating money and a state agency from using appropriated money to settle or otherwise pay a sexual harassment claim made against a person who is an elected member of the executive, legislative, or judicial branch of state government, is appointed by the governor to serve in public office within state government, or serves as staff for an elected or appointed person. Prohibits a political subdivision from using public money to settle or otherwise pay a sexual harassment claim made against an elected or appointed member of the governing body of the political subdivision or an officer or employee of the political subdivision. See GOV'T CODE ch. 576; LOC. GOV'T CODE § 180.008.

**SB 1821:** Effective 6/7/2021.

Classifies an amendment to an existing contingent fee contract for legal services entered into by an applicable governmental entity as a contingent fee contract if the amendment changes the scope of the representation or may result in the filing of an action or the amending of a petition in an existing action. See GOV'T CODE § 2254.101.

## Guardianship and Mental Health

**HB 79:** Effective 9/1/2021.

Requires the presiding judge of each administrative judicial region, after conferring with certain courts with jurisdiction over guardianship proceedings or protective services proceedings, to determine whether those courts require the appointment of an associate judge to assist the courts with guardianship proceedings or protective services proceedings. Outlines associate judge appointment procedures, qualifications, general powers, and compensation, as well as host county designation and responsibilities where the presiding judge determines the courts require the services of an associate judge. Requires the Office of Court Administration to assist the presiding judges in various supervision of, training of, and evaluation of associate judges. See GOV'T CODE ch. 54A, subch. D. **See also Administrative Judicial Regions.**



## Guardianship and Mental Health

**HB 1213:** Effective 9/1/2021.

Allows for recovery of court reporter costs incurred in a hearing or proceeding for the involuntary detention of a person with mental illness. See HEALTH & SAFETY CODE § 571.018(c). **See also Costs, Fees, Fines, and Collections.**

**HB 1296:** Effective 9/1/2021.

Allows a court to serve notice on a guardian by certified mail instead of personal service of a hearing on the court's motion to transfer the guardianship to another county. Allows a court to serve notice on a guardian by certified mail of a hearing on a complaint by the Judicial Branch Certification Commission that the guardian is ineligible to serve due to failure to maintain certification with the Commission. See EST. CODE §§ 1023.004, 1203.052. **See also Commissions, Committees, Councils, and Task Forces.**

**HB 3394:** Effective 9/1/2021.

Authorizes a court, if there was probable cause to believe a guardian was incapacitated, upon court's own motion or an application by an interested party, to appoint an attorney ad litem for a ward and a court investigator or guardian ad litem to investigate the competence of the guardian. Permits court to appoint necessary physician to examine guardian to determine whether the guardian was incapacitated. See EST. CODE §§ 1203.052(a), (c).

**SB 49:** Effective 9/1/2021.

Eliminates certain mental illness or intellectual or developmental disability screening requirements for certain defendants no longer in custody. Requires magistrate to provide copies of the screening report to the sheriff or other person responsible for the defendant's medical records while the defendant is confined in county jail and to, as applicable, certain bond or supervisory persons. Provides that a personal bond is not required to contain a certain oath related to appearances and the failure to appear where the magistrate determines the defendant has a mental illness or intellectual disability, is released on bond, or is found incompetent to stand trial. Sets the date the competency restoration period begins. Clarifies that court retains authority to order transfer of defendant who is subject to order for jail-based competency restoration services to an outpatient competency restoration program under certain conditions. See CODE CRIM. PROC. arts. 16.22(a)(2), (b-1), and (b-2), 17.04(b), 46B.0735, 46B.080, 46B.090(l-2), 46B.091(m), 46B.1055. **See also Magistrate and Magistrate Duties.**

**SB 615:** Effective 9/1/2021.

Allows for the electronic transfer of the file and index of probate and guardianship proceedings from one clerk to another when the case is transferred from the county where it was originally filed to another county. Requires attorneys representing any party's interest in a guardianship proceeding to complete the court of instruction on guardianship offered by the State Bar. Allows authenticated wills and other testamentary instruments completely or partially written in a foreign language to be recorded in a



## Guardianship and Mental Health

county's deed records along with the order admitting them to probate and a sworn translation of the document to English. Requires attorney general to provide legal representation to visiting judges assigned to probate matters who are sued in their capacity as judge. Clarifies that a bond covering judges with probate and guardianship jurisdiction also covers visiting and associate judges in that court. Repeals a statute allowing for recording a deed without signature. *See* CIV. PRAC. & REM. CODE § 30.014(a); EST. CODE §§ 33.101, 33.102, 33.103, 51.003, 202.054, 351.351, 404.0036, 404.005, 452.006, 503.002, 1023.006, 1023.007, 1051.003, 1054.201, 1101.001, 1101.153, 1151.005, 1251.005, 1251.153, 1253.001; GOV'T CODE §§ 25.0006, 25.00231, 25.0027, 74.141, 81.114, 155.205. ***See also* Probate, Trusts, and Estates.**

**SB 626:** Effective 9/1/2021.

Omnibus guardianship bill. Requires each party or counsel to include certain identifying information in initial pleadings, including probate or guardianship proceedings, in certain courts, including statutory probate court. Requires county clerk to make and retain copy of entire casefile and transmit original to court where venue is proper for probate proceeding. Authorizes authenticated copy of will or certain testamentary instruments written in language other than English to be filed for recording in certain circumstances. Requires notice to the potential beneficiary, the beneficiary's guardian, and family members when an application for the creation of a management trust is filed. Allows management trust to last until removal of an incapacity or until beneficiary dies. Allows county courts-at-law to hear trust cases when the person under guardianship is a trust's beneficiary. Revises statutes regarding guardianship sale and action procedures. Requires trustee of a management trust created for a ward to provide a copy of the annual account to each guardian of the ward. Clarifies that a court investigator or guardian ad litem may investigate a complete relating to modification or termination of a guardianship. Clarifies what newspaper must be used for notice of a guardianship proceeding. Allows guardianship applicants to submit a declaration under penalty of perjury regarding their commitment to discharge their duties as a guardian faithfully. Requires attorney general to defend certain judges, including a visiting judge assigned to hear a guardianship or probate matter by the presiding judge of the statutory probate court, in any action in which the judge is a defendant because of the judge's office or capacity as judge, if the judge requests the attorney general's assistance in the defense of the suit. ***See also* Clerks; Probate, Trusts, and Estates.**

**SB 692:** Effective 5/30/2021.

Requires financial institutions or other persons, as applicable, to provide the Guardianship Abuse, Fraud, and Exploitation Deterrence Program with access to certain records concerning a ward or the ward's estate for purposes of conducting reviews and audits under the Program. Allows Program to request the court in which the guardianship is pending to order certain institutions or persons to provide the records to the Program. Allows court to issue an order requiring certain institutions or persons to provide the records to the Program. *See* GOV'T CODE §§ 72.121, 72.1221.



## Guardianship and Mental Health

**SB 1129:** Effective 9/1/2021.

Requires (and otherwise authorizes) the Office of Court Administration to by rule establish a guardianship mediation training course and requires a mediation training provider to adhere to the established curriculum in providing the training course. Revises provisions regarding the transfer of a guardianship from one county to another. See EST. CODE §§ 1023.005, 1023.008, 1023.011, 1055.151, and 1055.152; GOV'T CODE ch. 155, subch. G. **See also Office of Court Administration.**

## Indigent Defense

**HB 9 (2d Called Session):** Effective 9/17/2021.

Appropriates to the Office of Court Administration certain funds for the purpose of providing funding for indigent legal representation, foreign language interpreters for courts, increased staff functions, equipment purchases, and program administration costs for a certain amount of time. **See also Office of Court Administration; Special Session Bills.**

**HB 295:** Effective 9/1/2021.

Requires the Texas Indigent Defense Commission to provide technical support to assist counties in improving their provision of indigent defense services, including indigent defense support systems. Expands list of entities eligible to receive grants from the Commission to provide or improve the provision of indigent defense services. Change the definition of “indigent defense compensation expenditures” for purposes of the adjustment of a county’s no-new-revenue maintenance and operations rate to reflect increases in those expenditures. See GOV'T CODE § 79.037; TAX CODE § 26.0442(a).

## Judicial Qualifications

**SJR 47:** Proposed amendment to be submitted to voters at election to be held 11/2/2021.

Proposes an amendment to the Texas Constitution to revise the eligibility requirements for a district court judge, a justice of the Texas Supreme Court, a judge of the Texas Court of Criminal Appeals, and a justice of a court of appeals. See TEX. CONST. art. I, § 2(b) and TEX. CONST. art. V, § 7.



## Jury Service and Grand Jury Service

**HB 840:** Effective 9/1/2021.

Allows county commissioners, as an alternative to a certain random selection process for salary grievance committee selection, to direct the county clerk to use a computer to generate a randomized list of names of all persons who served on a grand jury in the county in the preceding calendar year. Requires county commissioners to adopt the randomized list, enter list into meeting minutes, and select in the order of the list the necessary number of public members and alternatives. *See* Loc. Gov'T CODE § 152.015. ***See also Clerks.***

**SB 456:** Effective 9/1/2021.

Provides that a juror may donate all or a specific amount of the person's daily reimbursement to a veterans county service office. *See* Gov'T CODE §§ 61.003, 434.032.

**SB 1179:** Effective 9/1/2021.

Specifies that juror donation cards be distributed after a trial concludes. *See* Gov'T CODE § 61.003.

## Justice Courts and Municipal Courts

**HB 569:** Effective 9/1/2021.

Requires a justice or judge to apply jail credit toward any outstanding fine or costs in a misdemeanor case punishable by a fine only if the defendant is subsequently confined in a jail or prison in another case if that confinement occurred after the commission of the misdemeanor. Requires that certain notice be given to defendant regarding the jail credit prior to the issuance of an arrest warrant for defendant's failure to appear at the initial court setting. *See* CODE CRIM. PROC. arts. 45.014, 45.041, 45.048. ***See also Costs, Fees, Fines, and Collections.***

**HB 900:** Effective 9/1/2021.

Provides that a landlord is not liable for damages to the tenant resulting from the execution of a writ of possession by an officer under Property Code § 24.0061. *See* PROP. CODE § 24.0061.

**HB 1012:** Effective 9/1/2021.

Requires a person applying for a writ authorizing entry to a former residence to retrieve personal property to apply to the court that has jurisdiction over a pending suit under the Family Code or which has jurisdiction over a divorce decree or annulment, or neither of these options are applicable, to a justice court. *See* PROP. CODE §§ 24A.002, 24A.0021, 24A.003. ***See also Family Law.***



## Justice Courts and Municipal Courts

**HB 1693:** Effective 6/4/2021.

Permits a justice or municipal court to access the financial responsibility verification program established under the Texas Motor Vehicle Safety Responsibility Act to verify responsibility for the purpose of court proceedings. *See* TRANSP. CODE § 601.455.

**HB 2430:** Effective 9/1/2021.

Authorizes a commissioners court, if a temporary justice is also serving as a justice of the peace in another justice precinct in the county, to authorize mileage expense reimbursement. *See* GOV'T CODE § 27.055(b).

**HB 4293:** Effective 9/1/2021.

Requires the Office of Court Administration to develop and make available to each county a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. Permits the justices of the justice courts and the judges of the county, statutory county, and district courts with jurisdiction over criminal cases in each county to establish a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. Permits the Office of Court Administration or the judges or justices to partner with municipalities and local law enforcement agencies to allow individuals to whom a peace officer issue a citation and release to receive text message reminders of scheduled court appearances and criminal defendants in municipal court to receive text message reminders of scheduled court appearances. *See* GOV'T CODE ch. 75, subch. J. **See also County Courts and District Courts; Office of Court Administration.**

## Juvenile Justice

**HB 454:** Effective 9/1/2021.

Permits county commissioners to establish a juvenile family drug court program for individuals who reside with a child who is the subject of a juvenile justice case and are suspected by the Department of Family and Protective Services or the court of having a substance abuse problem. Establishes essential characteristics of juvenile family drug court program and outlines participant payment and county funding. *See* GOV'T CODE ch. 130. **See also Specialty Courts.**

**HB 1401:** Effective 9/1/2021.

Allows applications for the sealing of an individual's juvenile records to be sent to the court by any reasonable method authorized under Rule 21, Texas Rules of Civil Procedure, including secure electronic



## Juvenile Justice

means. Authorizes court clerk to send copies of sealing orders to entities by secure electronic means and eliminates specific authority to send copies by regular mail or email. *See* FAM. CODE §§ 58.256, 58.258.

**HB 2107:** Effective 9/1/2021.

Allows a juvenile court to order a child who has been found unfit to proceed, or to lack responsibility for the child's conduct, as a result of intellectual disability, to receive services for the intellectual disability on an outpatient basis for not more than 90 days. *See* FAM. CODE §§ 55.33, 55.34, 55.35, 55.43, 55.52, 55.53, 55.54.

**HB 2633:** Effective 9/1/2021.

Authorizes a juvenile court to require a child adjudicated to have engaged in delinquent conduct or conduct indicating a need for supervision and who is believed to be a victim of an offense of trafficking as defined by Code of Criminal Procedure Article 56B.003 to participate in a certain trafficked persons program. *See* FAM. CODE § 54.04012(b).

**HB 3165:** Effective 6/4/2021.

Creates a new affirmative defense to an allegation that a child committed truant conduct if the absences from school were due to the child's voluntary absence from the child's home because of abuse. *See* FAM. CODE § 65.003. ***See also Family Law.***

**HB 3774:** Effective 9/1/2021 except Sections 1.01, 1.03, 1.05, and 2.04(a) which take effects 1/1/2022; Sections 1.06 and 1.10 which take effect 9/1/2022; Sections 1.04, 1.08, 2.05, and 2.11 which take effect 10/1/2022; and Sections 1.09, 2.09, and 2.10 which take effect 1/1/2023.

Creates six new district courts (478th, composed of Bell County; 480th, composed of Williamson County, 481st, composed of Denton County; 482nd, composed of Harris County; 484th, composed of Cameron County; and 474th, composed of McLennan County). Creates Criminal Judicial District No. 5, composed of Tarrant County. Creates five new statutory county courts (CCL No. 3 of McLennan, CCL No 6 of Montgomery, CCL No. 2 of San Patricio, CCL No. 5 of Williamson, and County Criminal Court No. 6 of Tarrant). Creates Probate Court No. 2 of Denton County. Revises the jurisdiction of various statutory county courts. Revises how the state annually compensates counties that collect certain fees in statutory probate courts. Prohibits a justice or judge in a justice or municipal court from accepting a guilty or no contest plea in criminal proceedings unless it appeared the defendant was mentally competent, and plea was voluntary and free. Establishes dual status case transfer provisions for juvenile/family courts. Extends jurisdiction in criminal actions to certain magistrates in certain counties. Revises the duties of the capital and forensic writ committee to include providing oversight and strategic guidance to the Office of Capital and Forensic Writs. Requires the Office of Court Administration to adopt certain rules related to the transfer of certain documents and cases between courts. Permits applicants for writs of habeas corpus the option of using secure electronic mail to serve a copy of the application on the state's



## Juvenile Justice

attorneys. Requires citations for receivership for certain missing persons to be posted on a certain website published by the Office of Court Administration. Revises the statutes governing the Forensic Science Commission. Expands the places where jurors may donate their daily reimbursement to include veterans county service offices and removes cap on meal reimbursement given to jurors in certain courts. Allows a judge or magistrate of a district court or statutory county court who is authorized to hear criminal cases to be appointed to preside over a certain regional specialty court program in certain circumstances. Expands the protective order registry maintained by the Office of Court Administration to include certain protective orders. **See also Commissions, Committees, Councils, and Task Forces; County Courts and District Courts; Criminal Law and Procedure; New Courts; Office of Court Administration.**

**SB 2049:** Effective 9/1/2021.

Provide that a juvenile court may appoint the guardian ad litem under Family Code Chapter 107 for a child in a suit affecting the parent-child relationship filed by the Department of Family and Protective Services to serve as the guardian ad litem for the child in a proceeding under Title 3 of the Family Code. Prevents guardians ad litem from investigating any charges involving the child that are pending with the juvenile court. *See* FAM. CODE §§ 51.11, 54.01, 54.02, 54.04, 54.05, 54.11, and 107.011.

## Legal Profession

**HB 368:** Effective 9/1/2021.

Requires the Department of Public Safety to accept for a county attorney, district attorney, criminal district attorney, assistant county attorney, assistant district attorney, or assistant criminal district attorney, an office address as an alternative address for driver's license licensure. *See* TRANSP. CODE § 521.1211.

**SB 904:** Effective 9/1/2021.

Requires an attorney qualified for appointment as an attorney ad litem for a child in a child protection case to complete certain trauma training. *See* FAM. CODE § 107.004



## Magistrates and Magistrate Duties

**HB 766:** Effective 1/1/2022, except Section 2 effective 9/1/2021.

Adds new article to the Code of Criminal Procedure related to the entry into the Texas Crime Information Center of certain information regarding orders imposing a condition of bond in a criminal case involving a violent offense. Requires a magistrate, as soon as practicable but not later than the next day after the date the magistrate issues an order imposing a condition of bond for a violent offense, to notify the sheriff of the condition and to provide the sheriff certain information related to the order. Requires the magistrate, as soon as practicable but not later than the next business day after the date a magistrate revokes or modifies the terms of a bond or disposes of the underlying charges, to notify the sheriff and provide the sheriff with information sufficient to enable the sheriff to make record changes in the database. Requires the clerk of the court that issues an order described by the bill to send a copy to any named person the condition of bond is intended to protect. *See* CODE CRIM. PROC. art. 17.50. ***See also Clerks; Criminal Law and Procedure.***

**SB 6 (2d Called Session):** Effective 1/1/2022 except for Sections 4, 6, 17, 18, 19, 20, and 21 and Articles 17.021, 17.024, 17.15(a), and 17.15(c), Code of Criminal Procedure, as added or amended by Act, which take effect 12/2/2021.

Amends various provisions of the Code of Criminal Procedure, the Government Code, and the Local Government Code related to the Texas bail system. Requires any person to be eligible for bail unless denial of bail expressly permitted by Texas Constitution or other law. Requires a magistrate to grant or deny bail within 48 hours of defendant's arrest and requires magistrate to set bail at least restrictive and minimum amount necessary to ensure defendant's appearance while ensuring safety of community. Requires OCA to develop a public safety report system standardized for statewide use that meets certain specifications. Requires a magistrate setting bail to consider a public safety report for a defendant charged with a Class B misdemeanor or higher category of offense. Requires OCA to develop a training course regarding magistrate's duties with respect to public safety reports and setting bail. Expands rules for fixing the amount of bail and requires magistrate to consider defendant's criminal history and immigration status before setting bail. Regulates charitable organizations that solicit donations from the public for the purpose of posting bail bonds for defendants and imposes certain filing and reporting requirements on such organizations. Requires OCA to annually submit a report regarding the charitable organizations. Requires OCA to develop statewide procedures and forms to be used by courts to facilitate the refund of cash paid toward a monetary bail and the application of those funds to outstanding costs, fines, or fees. Requires OCA to promulgate a bail form for use by magistrates, judges, sheriffs, peace officers, and jailers each time bail is set. Requires the clerk of each court setting bail to include certain information in its monthly report to OCA and requires OCA to post the information on its website without disclosing certain personal information of the defendant, judge, or magistrate. Limits the amount that a clerk may deduct from a defendant's cash bond or cash bail bond. ***See also Criminal Law and Procedure; Office of Court Administration; Special Session Bills.***



## Magistrates and Magistrate Duties

**SB 49:** Effective 9/1/2021.

Eliminates certain mental illness or intellectual or developmental disability screening requirements for certain defendants no longer in custody. Requires magistrate to provide copies of the screening report to the sheriff or other person responsible for the defendant's medical records while the defendant is confined in county jail and to, as applicable, certain bond or supervisory persons. Provides that a personal bond is not required to contain a certain oath related to appearances and the failure to appear where the magistrate determines the defendant has a mental illness or intellectual disability, is released on bond, or is found incompetent to stand trial. Sets the date the competency restoration period begins. Clarifies that court retains authority to order transfer of defendant who is subject to order for jail-based competency restoration services to an outpatient competency restoration program under certain conditions. *See* CODE CRIM. PROC. arts. 16.22(a)(2), (b-1), and (b-2), 17.04(b), 46B.0735, 46B.080, 46B.090(1-2), 46B.091(m), 46B.1055. **See also Guardianship and Mental Health.**

## New Courts

**HB 3774:** Effective 9/1/2021 except Sections 1.01, 1.03, 1.05, and 2.04(a) which take effects 1/1/2022; Sections 1.06 and 1.10 which take effect 9/1/2022; Sections 1.04, 1.08, 2.05, and 2.11 which take effect 10/1/2022; and Sections 1.09, 2.09, and 2.10 which take effect 1/1/2023.

Creates six new district courts (478th, composed of Bell County; 480th, composed of Williamson County, 481st, composed of Denton County; 482nd, composed of Harris County; 484th, composed of Cameron County; and 474th, composed of McLennan County). Creates Criminal Judicial District No. 5, composed of Tarrant County. Creates five new statutory county courts (CCL No. 3 of McLennan, CCL No 6 of Montgomery, CCL No. 2 of San Patricio, CCL No. 5 of Williamson, and County Criminal Court No. 6 of Tarrant). Creates Probate Court No. 2 of Denton County. Revises the jurisdiction of various statutory county courts. Revises how the state annually compensates counties that collect certain fees in statutory probate courts. Prohibits a justice or judge in a justice or municipal court from accepting a guilty or no contest plea in criminal proceedings unless it appeared the defendant was mentally competent, and plea was voluntary and free. Establishes dual status case transfer provisions for juvenile/family courts. Extends jurisdiction in criminal actions to certain magistrates in certain counties. Revises the duties of the capital and forensic writ committee to include providing oversight and strategic guidance to the Office of Capital and Forensic Writs. Requires the Office of Court Administration to adopt certain rules related to the transfer of certain documents and cases between courts. Permits applicants for writs of habeas corpus the option of using secure electronic mail to serve a copy of the application on the state's attorneys. Requires citations for receivership for certain missing persons to be posted on a certain website published by the Office of Court Administration. Revises the statutes governing the Forensic Science Commission. Expands the places where jurors may donate their daily reimbursement to include



## New Courts

veterans county service offices and removes cap on meal reimbursement given to jurors in certain courts. Allows a judge or magistrate of a district court or statutory county court who is authorized to hear criminal cases to be appointed to preside over a certain regional specialty court program in certain circumstances. Expands the protective order registry maintained by the Office of Court Administration to include certain protective orders. **See also Commissions, Committees, Councils, and Task Forces; County Courts and District Courts; Criminal Law and Procedure; Juvenile Justice; Office of Court Administration.**

## Office of Court Administration

**HB 9 (2d Called Session):** Effective 9/17/2021.

Appropriates to the Office of Court Administration certain funds for the purpose of providing funding for indigent legal representation, foreign language interpreters for courts, increased staff functions, equipment purchases, and program administration costs for a certain amount of time. **See also Indigent Defense; Special Session Bills.**

**HB 385:** Effective 9/1/2021.

Amends various laws relating to the conditions of community supervision and procedures applicable to the reduction or termination of a defendant's period of community supervision. Expands the purposes for modifying the conditions of community supervision and expands the court's considerations before ordering the defendant to make payments under Code of Criminal Procedure Chapter 42A (Community Supervision). Requires the court to consider whether defendant has sufficient resources or income to make payments, and where the defendant does not, requires the court to determine whether all or a portion of the payment should be paid later, paid in intervals, waived (completely or partially), discharged through community service, or any combination thereof. Requires supervision officer to notify the court if certain defendants complete court-ordered counseling or treatment and make delinquent restitution payments and requires court to review defendant's record and consider whether to reduce or terminate community supervision. Directs the Office of Court Administration to adopt a standardized form that a defendant may use to make a request for reconsideration of ability to pay. *See* CODE CRIM. PROC. arts. 42A.052, 42A.301, 42A.655, 42A.701, 42A.702. **See also Criminal Law and Procedure.**

**HB 2352:** Effective 9/1/2021.

Authorizes judge assessing punishment in a state jail felony case to suspend sentence imposition and place defendant on community supervision with condition that defendant participate in a certain educational and vocational pilot program. Eliminates authorization for a judge to require those convicted of a state



## Office of Court Administration

jail felony and placed on community supervision to serve a certain term in a state jail at the beginning of the community supervision term. Requires Department of Criminal Justice to establish a pilot program to provide educational and vocational training, employment, and reentry services to inmates released on parole who are required to participate in the program as a condition of parole. Requires the Office of Court Administration to develop and annually provide a training program to educate and inform judges on the components of the entire pilot program, which also includes defendants placed on community supervision. *See* CODE CRIM. PROC. art. 42A.562; GOV'T CODE §§ 72.036, 493.034. ***See also Criminal Law and Procedure.***

**HB 3774:** Effective 9/1/2021 except Sections 1.01, 1.03, 1.05, and 2.04(a) which take effects 1/1/2022; Sections 1.06 and 1.10 which take effect 9/1/2022; Sections 1.04, 1.08, 2.05, and 2.11 which take effect 10/1/2022; and Sections 1.09, 2.09, and 2.10 which take effect 1/1/2023.

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## Office of Court Administration

**HB 4293:** Effective 9/1/2021.

Requires the Office of Court Administration to develop and make available to each county a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. Permits the justices of the justice courts and the judges of the county, statutory county, and district courts with jurisdiction over criminal cases in each county to establish a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. Permits the Office of Court Administration or the judges or justices to partner with municipalities and local law enforcement agencies to allow individuals to whom a peace officer issue a citation and release to receive text message reminders of scheduled court appearances and criminal defendants in municipal court to receive text message reminders of scheduled court appearances. *See* GOV'T CODE ch. 75, subch. J. ***See also County Courts and District Courts; Justice Courts and Municipal Courts.***

**SB 6 (2d Called Session):** Effective 1/1/2022 except for Sections 4, 6, 17, 18, 19, 20, and 21 and Articles 17.021, 17.024, 17.15(a), and 17.15(c), Code of Criminal Procedure, as added or amended by Act, which take effect 12/2/2021.

Amends various provisions of the Code of Criminal Procedure, the Government Code, and the Local Government Code related to the Texas bail system. Requires any person to be eligible for bail unless denial of bail expressly permitted by Texas Constitution or other law. Requires a magistrate to grant or deny bail within 48 hours of defendant's arrest and requires magistrate to set bail at least restrictive and minimum amount necessary to ensure defendant's appearance while ensuring safety of community. Requires OCA to develop a public safety report system standardized for statewide use that meets certain specifications. Requires a magistrate setting bail to consider a public safety report for a defendant charged with a Class B misdemeanor or higher category of offense. Requires OCA to develop a training course regarding magistrate's duties with respect to public safety reports and setting bail. Expands rules for fixing the amount of bail and requires magistrate to consider defendant's criminal history and immigration status before setting bail. Regulates charitable organizations that solicit donations from the public for the purpose of posting bail bonds for defendants and imposes certain filing and reporting requirements on such organizations. Requires OCA to annually submit a report regarding the charitable organizations. Requires OCA to develop statewide procedures and forms to be used by courts to facilitate the refund of cash paid toward a monetary bail and the application of those funds to outstanding costs, fines, or fees. Requires OCA to promulgate a bail form for use by magistrates, judges, sheriffs, peace officers, and jailers each time bail is set. Requires the clerk of each court setting bail to include certain information in its monthly report to OCA and requires OCA to post the information on its website without disclosing certain personal information of the defendant, judge, or magistrate. Limits the amount that a clerk may deduct from a defendant's cash bond or cash bail bond. ***See also Criminal Law and Procedure; Magistrates and Magistrate Duties; Special Session Bills.***



## Office of Court Administration

**SB 1129:** Effective 9/1/2021.

Requires (and otherwise authorizes) the Office of Court Administration to by rule establish a guardianship mediation training course and requires a mediation training provider to adhere to the established curriculum in providing the training course. Revises provisions regarding the transfer of a guardianship from one county to another. See EST. CODE §§ 1023.005, 1023.008, 1023.011, 1055.151, and 1055.152; GOV'T CODE ch. 155, subch. G. **See also Guardianship and Mental Health.**

## Other Law and Regulations

**HB 29:** Effective 9/1/2021.

Allows a state agency to provide temporary secure weapon storage for persons who enter a building or portion of a building with a weapon that is prohibited in that building or portion of the building. Prescribes process for storage of unclaimed weapons. See GOV'T CODE, ch. 2165, subch. J; Loc. GOV'T CODE, ch. 365.

**HB 30:** Effective 9/1/2021.

Requires Windham School District in Department of Criminal Justice to develop and provide an educational program that includes the curriculum requirements for a high school diploma or prepares person for high school equivalency examination for certain persons. See EDUC. CODE § 19.0051.

**HB 390:** Effective 9/1/2021, except Section 1 effective 1/1/2022.

Adds new chapter to the Business & Commerce Code that requires commercial lodging establishments to require employees complete a state-approved annual training program in human trafficking awareness. Assigns a civil penalty to establishments that violate the new chapter's provisions. See BUS. & COM. CODE ch. 114.

**HB 558:** Effective 9/1/2021.

Requires a peace officer to take a blood specimen on arrest for an intoxication offense under certain circumstances where the driver was involved in an accident the officer reasonably believes occurred as a result of the offense and, at the time of the arrest, the officer reasonably believes that as a direct result of the accident any individual has died, will die, or has suffered serious bodily injury. See TRANSP. CODE §§ 724.012, 724.013.



## Other Law and Regulations

### **HB 918:** Effective 9/1/2021.

Allows a person between the ages of 18 and 21, who is protected under either certain active protective orders or an active magistrate's order of emergency protection, and who meets the other eligibility requirements except for the minimum age required to purchase a handgun, to be granted a license to carry a handgun. Requires license, if granted, to bear protective order designation on its face. Requires Department of Public Safety to establish procedures to periodically verify license holder's eligibility. *See* GOV'T CODE §§ 411.172, 411.1735, 411.179, 411.205.

### **HB 1071:** Effective 9/1/2021.

Allows for the presence of a qualified facility dog or qualified therapy animal in certain court proceedings. Permits court to enter order authorizing qualified facility or therapy dog to accompany witness testifying in certain circumstances and permits court to impose restrictions on dog's presence. *See* GOV'T CODE § 21.012.

### **HB 1400:** Effective 9/1/2021.

Makes it an offense for person to impersonate a private investigator with the intent to induce another to submit to the person's pretended authority or rely on the person's pretended acts of a private investigator. Makes it an offense for a person to knowingly purport to exercise any function that requires licensure as a private investigator. *See* OCC. CODE § 1702.3876.

### **HB 1589:** Effective 9/1/2021.

Entitles public officers and employees who are engaged in certain military service and are called to active duty in response to a disaster to a paid leave of absence from their duties for each day they are called to active duty during the disaster for a certain amount of time. *See* GOV'T CODE § 437.202.

### **HB 1694:** Effective 9/1/2021.

Creates a defense to prosecution for certain drug offenses for individuals seeking medical assistance for another person who may be experiencing a drug overdose and for the victim of the possible overdose. *See* HEALTH & SAFETY CODE §§ 481.115, 481.1151, 481.116, 481.1161, 481.117, 481.118, 481.119, 481.121, 481.125, 483.041, 485.031.

### **HB 1788:** Effective 9/1/2021.

Provides that a school districts, charter schools, or private schools, as well as the security personnel they employ, are immune from liability from any damages resulting from any reasonable action by security personnel to maintain the safety of a school campus, including action related to possession or use of a firearm. *See* EDUC. CODE § 37.087.



## Other Law and Regulations

### **HB 1914:** Effective 9/1/2021.

Limits the liability of a child's isolation unit that has instituted isolation protocols for any claim, damage, or loss arising from the provision of health care services to children with highly contagious diseases unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence or willful misconduct. *See* HEALTH & SAFETY CODE ch. 241, subch. L.

### **HB 1958:** Effective 6/7/2021.

Makes it a Class C misdemeanor offense for a person to knowingly move an animal in violation of rules adopted by the Texas Animal Health Commission under the bill's provisions. Provides enhancement of offense level for applicable previous convictions. *See* AGRIC. CODE § 161.0445.

### **HB 2004:** Effective 9/1/2021.

Exempts, with certain limitation, a burn boss who is a certified and insured prescribed burn manager from liability for property damage, personal injury, or death caused by or resulting from smoke that occurs more than 300 feet from the burn. *See* NAT. RES. CODE § 153.084.

### **HB 2064:** Effective 6/16/2021.

Modifies the method for determining the amount of a hospital lien on a cause of action or claim of an individual who receives hospital services for injuries caused by an accident that is attributed to the negligence of another person. *See* PROP. CODE § 55.004(b).

### **HB 2326:** Effective 9/1/2021.

Adds Burmese pythons to the types of nonindigenous snakes that require a permit to possess or transport in the state and increases the punishment for failure to obtain a permit from a Class C misdemeanor to a Class B misdemeanor under certain circumstances. *See* PARKS & WILD. CODE §§ 43.851(a), 43.856.

### **HB 3115:** Effective 9/1/2021.

Provides that a judgment debtor filing an affidavit to release a judgment lien on homestead property could also file a certain certificate of mailing of homestead affidavit. Requires judgment debtor who files affidavit to send a letter notifying the judgement creditor of the filing of the affidavit and a copy of the filed affidavit by certain means. Provides that where judgment debtor has filed a certificate of mailing, a bona fide purchaser or mortgagee could conclusively rely on the affidavit for a certain amount of time. *See* PROP. CODE §§ 52.0012(b), (b-1), (d), (e), (f), and (g), 157.3171(c).



## Other Law and Regulations

### **HB 3340:** Effective 9/1/2021.

Automatically stays a certain court order to destroy a dangerous dog to allow the dog's owner to file a notice of appeal and prohibits a court from ordering the destruction of the dog during the pendency of the appeal. *See* HEALTH & SAFETY CODE § 822.042.

### **HB 3794:** Effective 9/1/2021.

Requires an action to enforce the interest owner's oil and gas lien to be brought no later than the first anniversary of the last day of the month after the date proceeds from the sale of oil or gas subject to the lien are required by law or contract to be paid to the interest owner, except that the commencement of a proceeding by or against any person claiming an interest in any property subject to the oil and gas lien seeking to adjudicate the person as bankrupt or insolvent or for other certain relief of the person's debts or other certain related relief will toll the one-year period for an additional period of time. *See* PROP. CODE ch. 67.

### **SB 20:** Effective 9/1/2021.

Prohibits hotel, with certain exception, from adopting firearms policy barring a hotel guest from carrying and storing a firearm or ammunition on hotel property. Provides certain defenses to prosecution for criminal trespass, trespass by license holder with a concealed handgun, and trespass by license holder with openly carried handgun for certain carrying or storing of firearm or ammunition on or about hotel property. *See* OCC. CODE §§ 2155.101, 2155.1025; PENAL CODE §§ 30.05(f-4), 30.06(e-4), 30.07(e-4).

### **SB 43:** Effective 1/1/2022.

Amends various sections of the Finance Code related to residential mortgage loans. Adds new provisions to clarify eligibility for exemptions from certain residential mortgage loan laws and adds provisions addressing wrap mortgage loan financing. Allows wrap borrower to bring action to enforce wrap loan laws and for certain other relief. Makes attempts to evade application of laws actionable as deceptive trade practice. *See* FIN. CODE ch. 159; FIN. CODE §§ 156.202, 157.0121, 180.003.

### **SB 149:** Effective 9/1/2021.

Expands definition of "critical infrastructure facility" for the offense of operation of unmanned aircraft over a correctional facility, detention facility, or critical infrastructure facility. *See* GOV'T CODE 423.0045(a) (1-a).

### **SB 270:** Effective 9/1/2021.

Creates a procedure for a nursing home to recover fees from a person who is responsible for paying the fees for a resident of the nursing home and who misappropriates funds from the resident which would otherwise cover nursing home fees. *See* HEALTH & SAFETY CODE § 242.020.



## Other Law and Regulations

### [SB 903](#): Effective 9/1/2021.

Authorizes a person claiming a refund to file with the comptroller a notice of intent to bypass a certain hearing. Authorizes a person to sue the comptroller to recover an amount of tax, penalty, or interest in certain circumstances. *See* TAX CODE §§ 111.106, 112.151, and 112.152.

### [SB 1259](#): Effective 5/24/2021.

Provides that a payee does not have a common law cause of action for breach of contract against a payor for withholding oil and gas payments in certain circumstances. *See* NAT. RES. CODE § 91.402.

## Probate, Trusts, and Estates

### [HB 654](#): Effective 9/1/2021.

Creates a new vesting deadline for the rule against perpetuities for an interest in a trust, other than a charitable trust. *See* PROP. CODE § 112.036.

### [HB 1264](#): Effective 9/1/2021.

Requires the local registrar of deaths and the clerks of courts with probate jurisdiction to file their abstracts related to death to the voter registrar and the secretary of state within 7 days after the date the abstract is prepared. *See* ELEC. CODE § 16.001. ***See also* Clerks; Elections and Lobbying.**

### [HB 1297](#): Effective 9/1/2021.

Requires the party contesting a will to serve an institution or organization that is a necessary party to the contest. Requires the party bringing a will construction suit to serve an institution or organization that is a necessary party to the suit. *See* EST. CODE § 55.053.

### [SB 626](#): Effective 9/1/2021.

Omnibus guardianship bill. Requires each party or counsel to include certain identifying information in initial pleadings, including probate or guardianship proceedings, in certain courts, including statutory probate court. Requires county clerk to make and retain copy of entire casefile and transmit original to court where venue is proper for probate proceeding. Authorizes authenticated copy of will or certain testamentary instruments written in language other than English to be filed for recording in certain circumstances. Requires notice to the potential beneficiary, the beneficiary's guardian, and family members when an application for the creation of a management trust is filed. Allows management trust to last until removal of an incapacity or until beneficiary dies. Allows county courts-at-law to hear



## Probate, Trusts, and Estates

trust cases when the person under guardianship is a trust's beneficiary. Revises statutes regarding guardianship sale and action procedures. Requires trustee of a management trust created for a ward to provide a copy of the annual account to each guardian of the ward. Clarifies that a court investigator or guardian ad litem may investigate a complete relating to modification or termination of a guardianship. Clarifies what newspaper must be used for notice of a guardianship proceeding. Allows guardianship applicants to submit a declaration under penalty of perjury regarding their commitment to discharge their duties as a guardian faithfully. Requires attorney general to defend certain judges, including a visiting judge assigned to hear a guardianship or probate matter by the presiding judge of the statutory probate court, in any action in which the judge is a defendant because of the judge's office or capacity as judge, if the judge requests the attorney general's assistance in the defense of the suit. **See also Clerks; Guardianship and Mental Health.**

## Records

**HB 549:** Effective 9/1/2021.

Allows certain professionals who work with a patient with a mental or health condition or disorder to disclose confidential information to mental health personnel if the professional determines there is a probability of imminent physical injury by the patient to the patient or others or a probability of immediate mental or emotional injury to the patient. Prevents a cause of action against certain persons for the disclosure of certain confidential information. *See* HEALTH & SAFETY CODE §§ 611.002, 611.004; OCC. CODE §§ 159.002, 159.004.

**HB 2301:** Effective 9/1/2021.

Provides that adult petitioner for a name change is not required to provide the street address of the petitioner's residence or the petitioner's reason for the requested change as required by statute if the petitioner provides a copy of an authorization card certifying participation in the address confidentiality program. Creates presumption that name change is in the interest or to the benefit of the petitioner and in the interest of the public if petition provides copy of authorization card. Makes court order for name change confidential and bars release of the order by the court to any person. *See* FAM. CODE §§ 45.102, 45.103.

**HB 2357:** Effective 6/15/2021.

Makes confidential and excepts from disclosure under the Texas Public Information Act certain information, if the information identifies an individual as a victim of certain sexual offenses or a victim of any criminal offense if the victim was younger than age 18 when any element of the offense was



## Records

committed. Allows limited of this information to certain persons, to law enforcement for investigative purposes, or in accordance with a court order. *See* GOV'T CODE § 552.1315.

**HB 2669:** Effective 9/1/2021.

Provides that all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case for a fine-only misdemeanor other than a traffic offense committed by a child and that is appealed, are confidential and may not be disclosed to the public except in certain circumstances. Provides that, except in certain circumstances, all records and files, including those held by law enforcement, and information stored by electronic means or otherwise from which a record or file could be generated, relating to a child who is charged with, convicted of, found not guilty of, had a charge dismissed for, or is granted deferred disposition for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public. *See* CODE CRIM. PROC. arts. 44.2811, 45.0217.

**HB 2730:** Effective 1/1/2022.

Modifies various provisions related to condemnation petitions and eminent domain proceedings. Requires judge of court in which condemnation petition was filed or to which eminent domain case assigned to appoint special commissioners within a certain amount of time. Entitles parties in eminent domain proceeding to copy of court's order. *See* PROP. CODE § 21.014.

**SB 15:** Effective 6/18/2021.

Amends Motor Vehicle Records Disclosure Act to limit disclosure of certain personal information to an entity other than an authorized recipient. Restricts the use of certain personal information obtained by an agency. Creates new offense related to improper use of personal information obtained in connection with a motor vehicle record. Authorizes civil suit against person who sells to a person who is not an authorized recipient. *See* PARKS & WILD. CODE § 11.030; TRANS. CODE §§ 204.011(a), 548.601(a), 730.003, 730.006, 730.007, 730.0121, 730.0122, 730.0123, 730.013, 730.014, 730.016.

**SB 56:** Effective 6/14/2021.

Expands confidentiality protections for certain personal information connected to current or former United States attorneys (including assistant attorneys), federal public defenders and deputy federal public defenders (including assistant federal public defenders, and certain family members related to those persons. *See* GOV'T CODE §§ 552.117(a), 552.1175(a); TAX CODE § 25.025(a).

**SB 295:** Effective 9/1/2021.

Provides that any communication or record made during the course of a survivor seeking assistance from an advocate is confidential. *See* GOV'T CODE §§ 420.071, 420.072, 420.074.



## Special Session Bills

**HB 9 (2d Called Session):** Effective 9/17/2021.

Appropriates to the Office of Court Administration certain funds for the purpose of providing funding for indigent legal representation, foreign language interpreters for courts, increased staff functions, equipment purchases, and program administration costs for a certain amount of time. **See also Indigent Defense; Office of Court Administration.**

**HB 20 (2d Called Session):** Effective 9/9/2021.

Prohibits a social media platform from censoring a user, a user's expression, or a user's ability to receive expression based on certain factors. Authorizes a user to bring an action against a social media platform for violating certain provision established by bill. Authorizes attorney general to bring action to enjoin a violation or potential violation of certain bill provisions. *See* CIV. PRAC. & REM. CODE ch. 143A. **See also Civil Law and Procedure.**

**SB 1 (2d Called Session):** Effective 9/7/2021.

Amends and adds various provisions related to elections in the Elections Code, the Government Code, and the Code of Criminal Procedure. Amends the offense of false statement on a voter registration application and enhances the punishment for the offense. Makes a county civilly liable for certain voter registrar actions. Makes it an offense for an election officer to intentionally or knowingly refuse to accept a watcher for service when acceptance is required by statute. Expands criminal conduct for unlawfully obstructing an election watcher and provides for certain relief for unlawful prevention or obstruction of an election watcher's duties. Amends various statutes on fraud and other unlawful practices related to voting and adds various offenses related to voting practices. Allows for certain lawsuits alleging improper election activities. Requires a court, where a defendant is adjudged guilty of a felony offense, to make an affirmative finding of the judgment and instruct the defendant regarding how the felony conviction will impact the defendant's right to vote. **See also Civil Law and Procedure; Criminal Law and Procedure; Elections and Lobbying.**

**SB 4 (2d Called Session):** Effective 9/17/2021.

Creates a state jail felony offense for certain persons who intentionally, knowingly, or recklessly violates certain provisions relating to abortion-inducing drugs. *See* HEALTH & SAFETY CODE § 171.065. **See also Criminal Law and Procedure.**

**SB 5 (3d Called Session):** Effective 10/25/2021

Repeals and replaces the Health and Safety Code subchapter addressing the unlawful restraint of dogs. Makes a first time offense a Class C misdemeanor and classifies repeat violations as a Class B misdemeanor. *See* HEALTH & SAFETY CODE ch. 821, subch. E. **See also Criminal Law and Procedure.**



## Special Session Bills

**SB 6 (2d Called Session):** Effective 1/1/2022 except for Sections 4, 6, 17, 18, 19, 20, and 21 and Articles 17.021, 17.024, 17.15(a), and 17.15(c), Code of Criminal Procedure, as added or amended by Act, which take effect 12/2/2021.

Amends various provisions of the Code of Criminal Procedure, the Government Code, and the Local Government Code related to the Texas bail system. Requires any person to be eligible for bail unless denial of bail expressly permitted by Texas Constitution or other law. Requires a magistrate to grant or deny bail within 48 hours of defendant's arrest and requires magistrate to set bail at least restrictive and minimum amount necessary to ensure defendant's appearance while ensuring safety of community. Requires OCA to develop a public safety report system standardized for statewide use that meets certain specifications. Requires a magistrate setting bail to consider a public safety report for a defendant charged with a Class B misdemeanor or higher category of offense. Requires OCA to develop a training course regarding magistrate's duties with respect to public safety reports and setting bail. Expands rules for fixing the amount of bail and requires magistrate to consider defendant's criminal history and immigration status before setting bail. Regulates charitable organizations that solicit donations from the public for the purpose of posting bail bonds for defendants and imposes certain filing and reporting requirements on such organizations. Requires OCA to annually submit a report regarding the charitable organizations. Requires OCA to develop statewide procedures and forms to be used by courts to facilitate the refund of cash paid toward a monetary bail and the application of those funds to outstanding costs, fines, or fees. Requires OCA to promulgate a bail form for use by magistrates, judges, sheriffs, peace officers, and jailers each time bail is set. Requires the clerk of each court setting bail to include certain information in its monthly report to OCA and requires OCA to post the information on its website without disclosing certain personal information of the defendant, judge, or magistrate. Limits the amount that a clerk may deduct from a defendant's cash bond or cash bail bond. **See also Criminal Law and Procedure; Magistrates and Magistrate Duties; Office of Court Administration.**

## Specialty Courts

**HB 454:** Effective 9/1/2021.

Permits county commissioners to establish a juvenile family drug court program for individuals who reside with a child who is the subject of a juvenile justice case and are suspected by the Department of Family and Protective Services or the court of having a substance abuse problem. Establishes essential characteristics of juvenile family drug court program and outlines participant payment and county funding. **See Gov'T CODE ch. 130. See also Juvenile Justice.**



## Specialty Courts

**HB 788:** Effective 9/1/2021.

Makes an emergency service dispatcher of the state or of a political subdivision eligible to participate in a public safety employees treatment court program. *See* Gov'T CODE § 129.001.

**HB 1256:** Effective 9/1/2021.

Requires comptroller to deposit 1% of the mixed beverage gross receipts and sales taxes received to the credit of GR Account 5184 – Specialty Court. Limits use of money deposited to the account to use by the criminal justice division within the Governor's office for distribution to specialty court programs that apply for the money. *See* TAX CODE § 183.053.

**HB 1706:** Effective 9/1/2021.

Allows commissioners court of a county to establish a sexual assault victim services court program and establishes requirements for judges and prosecuting attorneys for the courts. *See* Gov'T CODE tit. 2, subtit. K-1.

**SB 1093:** Effective 5/28/2021.

Permits transfer to another veterans treatment court program in a county adjacent to the county where the defendant works or resides. *See* Gov'T CODE § 124.003.

## Supreme Court of Texas

**HB 2950:** Effective 6/16/2021.

Provides that the judicial panel on multidistrict litigation consists of five members designated by the supreme court. Requires that panel members be active, former, or retired court of appeals justices or active administrative judges. *See* Gov'T CODE § 74.161(a).



## Vetoed Legislation

### **HB 787:** **Vetoed** by Governor.

Bars a judge who places a defendant on community supervision, as a condition of community supervision, from prohibiting the defendant from contacting or interacting with certain persons.

### **HB 1193:** **Vetoed** by Governor.

Provides that juvenile court retains jurisdiction over a person in certain proceedings, without regard to the age of the person, if the proceeding has been delayed through no fault of the state. Requires juvenile court to, on receipt of an application from a person who received a determinate sentence and was not transferred to a district court, to hold a hearing to determine whether it is in best interest of person and of justice to order sealing of the person's records and allows records to be sealed. Prohibits a juvenile court from ordering the sealing of records of a person who received a determinate sentence and was transferred to district court.

### **HB 1240:** **Vetoed** by Governor.

Reduces penalty for failure to comply with an order from a fire marshal from a Class B to a Class C misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted of the same offense. Increases the penalty for the offense in certain circumstances. Authorizes certain counties to grant the authority to issue a related citation.

### **HB 2448:** **Vetoed** by Governor.

Allows a surety to be relieved from liability on a surety bond if the person insured is in federal custody on an immigration detainer or awaiting determination as to whether the person is lawfully in the United States.

### **SB 36:** **Vetoed** by Governor.

Makes it an offense for a person having firsthand knowledge of the planning of a specific hazing incident or firsthand knowledge that an incident has occurred to knowingly fail to report that knowledge to a peace officer or law enforcement agency. Provides certain immunity from civil or criminal liability that could otherwise be incurred or imposed for failing to report a hazing incident. Creates task force on higher education mental health services.

### **SB 237:** **Vetoed** by Governor.

Adds Class B criminal trespass to the list of offenses for which a peace officer may issue a citation to appear instead of arresting and taking the person before a magistrate.



## Vetoed Legislation

### **SB 281: Vetoed** by Governor.

Makes inadmissible against a defendant in a criminal trial all statements made during or after a hypnotic session by a person who has undergone investigative hypnosis for the purpose of enhancing the person's recollection of an event at issue in a criminal investigation or case.

### **SB 474: Vetoed** by Governor.

Repeals and replaces the Health and Safety Code subchapter addressing the unlawful restraint of dogs. Prohibits a broader range of restraints where the dog is left outside and unattended, and establishes a narrower set of exceptions to the prohibition.

### **SB 1458: Vetoed** by Governor.

Requires the Office of Court Administration to create standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce all magistrates' orders of emergency protection, protective order applications, temporary ex parte orders, and final protective orders governed by the Code of Criminal Procedure and the Family Code. Requires all applicants and courts used the forms for the purpose of applying for or issuing a temporary ex parte order, final protective order, or magistrates' order of emergency protection.



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# 87th 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.