

1-1 By: Huffman S.B. No. 1530  
1-2 (In the Senate - Filed March 11, 2021; March 24, 2021, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 30, 2021, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 30, 2021,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1530 By: Huffman

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the operation and administration of and practice and  
1-18 procedure related to proceedings in the judicial branch of state  
1-19 government.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 ARTICLE 1. DISTRICT COURTS

1-22 SECTION 1.01. (a) Section 24.129(b), Government Code, is  
1-23 amended to read as follows:

1-24 (b) The 27th, 146th, 169th, 264th, ~~and~~ 426th, and 478th  
1-25 judicial districts have concurrent jurisdiction in Bell County.

1-26 (b) Subchapter C, Chapter 24, Government Code, is amended by  
1-27 adding Section 24.60022 to read as follows:

1-28 Sec. 24.60022. 478TH JUDICIAL DISTRICT (BELL COUNTY). (a)  
1-29 The 478th Judicial District is composed of Bell County.

1-30 (b) The terms of the 478th District Court begin on the first  
1-31 Mondays in January, April, July, and October.

1-32 (c) Section 24.129, relating to the 27th District Court,  
1-33 contains provisions applicable to both that court and the 478th  
1-34 District Court.

1-35 (c) The 478th Judicial District is created on the effective  
1-36 date of this Act.

1-37 SECTION 1.02. (a) Effective October 1, 2022, Subchapter C,  
1-38 Chapter 24, Government Code, is amended by adding Section 24.60025  
1-39 to read as follows:

1-40 Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON  
1-41 COUNTY). The 480th Judicial District is composed of Williamson  
1-42 County.

1-43 (b) The 480th Judicial District is created on October 1,  
1-44 2022.

1-45 SECTION 1.03. (a) Subchapter C, Chapter 24, Government  
1-46 Code, is amended by adding Section 24.60026 to read as follows:

1-47 Sec. 24.60026. 481ST JUDICIAL DISTRICT (DENTON COUNTY).  
1-48 The 481st Judicial District is composed of Denton County.

1-49 (b) The 481st Judicial District is created on the effective  
1-50 date of this Act.

1-51 SECTION 1.04. (a) Subchapter C, Chapter 24, Government  
1-52 Code, is amended by adding Section 24.60027 to read as follows:

1-53 Sec. 24.60027. 482ND JUDICIAL DISTRICT (HARRIS COUNTY).  
1-54 The 482nd Judicial District is composed of Harris County.

1-55 (b) The 482nd Judicial District is created on the effective  
1-56 date of this Act.

1-57 SECTION 1.05. (a) Subchapter C, Chapter 24, Government  
1-58 Code, is amended by adding Section 24.60028 to read as follows:

1-59 Sec. 24.60028. 483RD JUDICIAL DISTRICT (HAYS COUNTY). The  
1-60 483rd Judicial District is composed of Hays County.

2-1 (b) The 483rd Judicial District is created on the effective  
2-2 date of this Act.

2-3 SECTION 1.06. (a) Subchapter C, Chapter 24, Government  
2-4 Code, is amended by adding Section 24.60029 to read as follows:

2-5 Sec. 24.60029. 484TH JUDICIAL DISTRICT (CAMERON COUNTY).

2-6 (a) The 484th Judicial District is composed of Cameron County.

2-7 (b) The 484th District Court shall give preference to  
2-8 juvenile matters under Title 3, Family Code.

2-9 (b) The 484th Judicial District is created on the effective  
2-10 date of this Act.

2-11 SECTION 1.07. (a) Effective January 1, 2023, Subchapter C,  
2-12 Chapter 24, Government Code, is amended by adding Section 24.60098  
2-13 to read as follows:

2-14 Sec. 24.60098. 475TH JUDICIAL DISTRICT (SMITH COUNTY). The  
2-15 475th Judicial District is composed of Smith County.

2-16 (b) Notwithstanding Section 24.026, Government Code, the  
2-17 initial vacancy in the office of judge of the 475th Judicial  
2-18 District shall be filled by election. The office exists for  
2-19 purposes of the primary and general elections in 2022. A vacancy  
2-20 after the initial vacancy is filled as provided by Section 28,  
2-21 Article V, Texas Constitution.

2-22 (c) The 475th Judicial District is created January 1, 2023.

2-23 SECTION 1.08. (a) Section 24.120(b), Government Code, is  
2-24 amended to read as follows:

2-25 (b) The 19th, 54th, 74th, 170th, ~~and~~ 414th, and 474th  
2-26 district courts have concurrent jurisdiction in McLennan County.

2-27 (b) Subchapter C, Chapter 24, Government Code, is amended by  
2-28 adding Section 24.60097 to read as follows:

2-29 Sec. 24.60097. 474TH JUDICIAL DISTRICT (MCLENNAN COUNTY).  
2-30 The 474th Judicial District is composed of McLennan County.

2-31 (c) The 474th Judicial District is created on the effective  
2-32 date of this Act.

2-33 SECTION 1.09. (a) Section 24.910(b), Government Code, is  
2-34 amended to read as follows:

2-35 (b) This section applies to the Tarrant County Criminal  
2-36 District Courts Nos. 1, 2, ~~and~~ 3, and 5.

2-37 (b) Subchapter E, Chapter 24, Government Code, is amended by  
2-38 adding Section 24.915 to read as follows:

2-39 Sec. 24.915. CRIMINAL JUDICIAL DISTRICT NO. 5 OF TARRANT  
2-40 COUNTY. (a) The Criminal Judicial District No. 5 of Tarrant County  
2-41 is composed of Tarrant County.

2-42 (b) Section 24.910, relating to the Tarrant County Criminal  
2-43 District Court No. 1, contains provisions applicable to both that  
2-44 court and the Tarrant County Criminal District Court No. 5.

2-45 (c) The Criminal Judicial District No. 5 of Tarrant County  
2-46 is created on the effective date of this Act.

2-47 ARTICLE 2. STATUTORY COUNTY COURTS

2-48 SECTION 2.01. (a) Section 25.0172(p), Government Code, is  
2-49 amended to read as follows:

2-50 (p) The county clerk shall keep a separate docket for each  
2-51 county court at law. The county clerk shall appoint a deputy clerk  
2-52 for each county court at law. ~~[An appointment of a deputy clerk of~~  
2-53 ~~County Court at Law No. 2 or 3 takes effect when it is confirmed in~~  
2-54 ~~writing by the judge of the court to which the deputy clerk is~~  
2-55 ~~assigned and the deputy clerk serves at the pleasure of the judge of~~  
2-56 ~~the court to which he is assigned.]~~ A deputy clerk must take the  
2-57 constitutional oath of office and may be required to furnish bond in  
2-58 an amount, conditioned and payable, as required by the county  
2-59 clerk. A deputy clerk must attend all sessions of the court to  
2-60 which the deputy ~~he~~ is assigned. A deputy clerk acts in the name  
2-61 of the county clerk and may perform any official act or service  
2-62 required of the county clerk and shall perform any other service  
2-63 required by the judge of a county court at law. The deputy clerks  
2-64 may act for one another in performing services for the county courts  
2-65 at law, but a deputy is not entitled to receive additional  
2-66 compensation for acting for another deputy. If a vacancy occurs,  
2-67 the county clerk shall immediately appoint another deputy clerk as  
2-68 provided by this subsection. A deputy clerk of a county court at  
2-69 law is entitled to the same amount of compensation as received by

3-1 the deputy clerks of the other county courts at law in Bexar County.  
3-2 The commissioners court shall pay the salary of a deputy clerk in  
3-3 equal monthly installments from county funds.

3-4 (b) Section 25.0173(g), Government Code, is amended to read  
3-5 as follows:

3-6 (g) The county clerk shall appoint a deputy clerk for each  
3-7 statutory probate court. ~~[An appointment takes effect when it is~~  
3-8 ~~confirmed in writing by the judge of the court to which the deputy~~  
3-9 ~~clerk is assigned.]~~ A deputy clerk serves at the pleasure of the  
3-10 judge of the court to which the deputy clerk is assigned. A deputy  
3-11 clerk must take the constitutional oath of office, and the county  
3-12 clerk may require the deputy clerk to furnish a bond in an amount,  
3-13 conditioned and payable, as required by law. A deputy clerk acts in  
3-14 the name of the county clerk and may perform any official act or  
3-15 service required of the county clerk and shall perform any other  
3-16 service required by the judge of a statutory probate court. A  
3-17 deputy clerk must attend all sessions of the court to which the  
3-18 deputy clerk ~~[he]~~ is assigned. A deputy clerk is entitled to  
3-19 receive an annual salary set by the judge in an amount that does not  
3-20 exceed the amount paid the deputies of the county courts at law of  
3-21 Bexar County. The salary shall be paid in equal monthly  
3-22 installments as provided by law for the payment of salaries of  
3-23 deputy clerks.

3-24 SECTION 2.02. (a) Sections 25.0631(b) and (c), Government  
3-25 Code, are amended to read as follows:

3-26 (b) Denton County has the following statutory probate  
3-27 courts:

3-28 (1) ~~[one statutory probate court, the]~~ Probate Court  
3-29 of Denton County; and

3-30 (2) Probate Court Number 2 of Denton County.

3-31 (c) The statutory county courts of Denton County sit in the  
3-32 county seat or at another location in the county as assigned by the  
3-33 local administrative statutory county court judge. The statutory  
3-34 probate courts ~~[court]~~ of Denton County sit ~~[sits]~~ in the county  
3-35 seat and may conduct docket matters at other locations in the county  
3-36 as the statutory probate court judges consider ~~[judge considers]~~  
3-37 necessary for the protection of wards or mental health respondents  
3-38 or as otherwise provided by law.

3-39 (b) Section 25.0632(i), Government Code, is amended to read  
3-40 as follows:

3-41 (i) A judge of a statutory probate court is subject to  
3-42 assignment as provided by Section 25.0022. Upon request by the  
3-43 judge of a Denton County statutory county court, a judge of a  
3-44 statutory probate court may be assigned by the regional presiding  
3-45 judge to the requesting judge's court pursuant to Chapter 74. A  
3-46 statutory probate court judge assigned to a statutory county court  
3-47 by the regional presiding judge may hear any matter pending in the  
3-48 requesting judge's court.

3-49 (c) Section 25.0633(e), Government Code, is amended to read  
3-50 as follows:

3-51 (e) The County Court at Law No. 2 of Denton County has  
3-52 jurisdiction:

3-53 (1) over all civil causes and proceedings, original  
3-54 and appellate, prescribed by law for county courts; and

3-55 (2) regardless of the amount in controversy sought,  
3-56 over:

3-57 (A) eminent domain cases as provided by Section  
3-58 21.001, Property Code, for statutory county courts; and

3-59 (B) direct and inverse condemnation cases.

3-60 (d) The Probate Court Number 2 of Denton County is created  
3-61 on the effective date of this Act.

3-62 SECTION 2.03. (a) Section 25.1571, Government Code, is  
3-63 amended to read as follows:

3-64 Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the  
3-65 following statutory county courts:

3-66 (1) County Court at Law of McLennan County; ~~[and]~~

3-67 (2) County Court at Law No. 2 of McLennan County; and

3-68 (3) County Court at Law No. 3 of McLennan County.

3-69 (b) The County Court at Law No. 3 of McLennan County is

4-1 created on the effective date of this Act.

4-2 (c) Section 25.1572, Government Code, is amended by  
4-3 amending Subsections (a), (d), and (i) and adding Subsections (b),  
4-4 (c), and (e) to read as follows:

4-5 (a) In addition to the jurisdiction provided by Section  
4-6 25.0003 and other law and except as limited by Subsection (b), a  
4-7 county court at law in McLennan County has jurisdiction in third  
4-8 degree felony cases and jurisdiction to conduct arraignments,  
4-9 conduct pretrial hearings, accept guilty pleas, and conduct  
4-10 probation revocation hearings in felony cases.

4-11 (b) On request of a district judge presiding in McLennan  
4-12 County, the regional presiding judge may assign a judge of a county  
4-13 court at law in McLennan County to the requesting judge's court  
4-14 under Chapter 74. A county court at law judge assigned to a  
4-15 district court may hear any matter pending in the requesting  
4-16 judge's court.

4-17 (c) A county court at law does not have jurisdiction in:  
4-18 (1) suits on behalf of the state to recover penalties  
4-19 or escheated property;  
4-20 (2) misdemeanors involving official misconduct; or  
4-21 (3) contested elections.

4-22 (d) A judge of a county court at law shall be paid an annual  
4-23 base salary set by the commissioners court in an amount not less  
4-24 than \$1,000 less than the annual base salary the state pays to a  
4-25 district judge as set by the General Appropriations Act in  
4-26 accordance with Section 659.012 with equivalent years of service as  
4-27 the judge [of not more than \$20,000]. A county court at law judge's  
4-28 and a district judge's annual base salaries do not include  
4-29 contributions and supplements paid by the county [Each judge  
4-30 receives the same amount as salary. The salary shall be paid out of  
4-31 the county treasury by the commissioners court].

4-32 (e) The district clerk serves as clerk of a county court at  
4-33 law in matters of concurrent jurisdiction with the district court.  
4-34 The county clerk serves as the clerk of a county court at law in all  
4-35 other matters. Each clerk shall establish a separate docket for a  
4-36 county court at law.

4-37 (i) The official court reporter of a county court at law is  
4-38 entitled to receive a salary set by the judge of a county court at  
4-39 law with the approval of the commissioners court [the same  
4-40 compensation and to be paid in the same manner as the court  
4-41 reporters of the district courts in McLennan County].

4-42 (d) The County Court at Law No. 3 of McLennan County is  
4-43 created on the effective date of this Act.

4-44 SECTION 2.04. (a) Section 25.1721, Government Code, is  
4-45 amended to read as follows:

4-46 Sec. 25.1721. MONTGOMERY COUNTY. Montgomery County has the  
4-47 following statutory county courts:

- 4-48 (1) County Court at Law No. 1 of Montgomery County;
- 4-49 (2) County Court at Law No. 2 of Montgomery County;
- 4-50 (3) County Court at Law No. 3 of Montgomery County;
- 4-51 (4) County Court at Law No. 4 of Montgomery County;
- 4-52 [and]
- 4-53 (5) County Court at Law No. 5 of Montgomery County;
- 4-54 and
- 4-55 (6) County Court at Law No. 6 of Montgomery County.

4-56 (b) The County Court at Law No. 6 of Montgomery County is  
4-57 created on the effective date of this Act.

4-58 SECTION 2.05. Sections 25.1972(a) and (b), Government Code,  
4-59 are amended to read as follows:

4-60 (a) In addition to the jurisdiction provided by Section  
4-61 25.0003 and other law, and except as limited by Subsection (b), a  
4-62 county court at law in Reeves County has:

- 4-63 (1) concurrent jurisdiction with the district court:
  - 4-64 (A) in disputes ancillary to probate, eminent
  - 4-65 domain, condemnation, or landlord and tenant matters relating to
  - 4-66 the adjudication and determination of land titles and trusts,
  - 4-67 whether testamentary, inter vivos, constructive, resulting, or any
  - 4-68 other class or type of trust, regardless of the amount in
  - 4-69 controversy or the remedy sought;



5-1 (B) over civil forfeitures, including surety  
5-2 bond forfeitures without minimum or maximum limitation as to the  
5-3 amount in controversy or remedy sought;

5-4 (C) in all actions by or against a personal  
5-5 representative, in all actions involving an inter vivos trust, in  
5-6 all actions involving a charitable trust, and in all actions  
5-7 involving a testamentary trust, whether the matter is appertaining  
5-8 to or incident to an estate;

5-9 (D) in proceedings under Title 3, Family Code;  
5-10 and

5-11 (E) in family law cases and proceedings [~~any~~  
5-12 ~~proceeding involving an order relating to a child in the possession~~  
5-13 ~~or custody of the Department of Family and Protective Services or~~  
5-14 ~~for whom the court has appointed a temporary or permanent managing~~  
5-15 ~~conservator~~];

5-16 (2) jurisdiction in mental health matters, original or  
5-17 appellate, provided by law for constitutional county courts,  
5-18 statutory county courts, or district courts with mental health  
5-19 jurisdiction, including proceedings under:

5-20 (A) Chapter 462, Health and Safety Code; and

5-21 (B) Subtitles C and D, Title 7, Health and Safety  
5-22 Code;

5-23 (3) jurisdiction over the collection and management of  
5-24 estates of minors, persons with a mental illness or intellectual  
5-25 disability, and deceased persons; and

5-26 (4) jurisdiction in all cases assigned, transferred,  
5-27 or heard under Sections 74.054, 74.059, and 74.094.

5-28 (b) A county court at law does not have jurisdiction of:

5-29 (1) felony cases, except as otherwise provided by law;

5-30 (2) misdemeanors involving official misconduct unless  
5-31 assigned under Sections 74.054 and 74.059; or

5-32 (3) contested elections[~~;~~ ~~or~~

5-33 [~~(4) except as provided by Subsections (a)(1)(D) and~~  
5-34 ~~(E), family law cases~~].

5-35 SECTION 2.06. (a) Effective January 1, 2023, Section  
5-36 25.2071(a), Government Code, is amended to read as follows:

5-37 (a) San Patricio County has the following [~~one~~] statutory  
5-38 county courts:

5-39 (1) [~~court,~~] the County Court at Law of San Patricio  
5-40 County; and

5-41 (2) the County Court at Law No. 2 of San Patricio  
5-42 County.

5-43 (b) Section 25.2072, Government Code, is amended by  
5-44 amending Subsections (a), (d), and (m) and adding Subsections (g-1)  
5-45 and (g-2) to read as follows:

5-46 (a) In addition to the jurisdiction provided by Section  
5-47 25.0003 and other law, a county court at law in San Patricio County  
5-48 has concurrent jurisdiction with the district court except that a  
5-49 county court at law does not have jurisdiction of:

5-50 (1) felony criminal matters; and

5-51 (2) civil cases in which the matter in controversy  
5-52 exceeds the maximum amount provided by Section 25.0003 [~~in matters~~  
5-53 ~~involving the juvenile and child welfare law of this state~~].

5-54 (d) [~~The judge of a county court at law shall be paid an~~  
5-55 ~~annual salary in an amount of not less than \$43,000.~~] The judge of a  
5-56 county court at law is entitled to receive travel and necessary  
5-57 office expenses, including administrative and clerical assistance.

5-58 (g-1) The county clerk serves as clerk of a county court at  
5-59 law except in family law cases. In family law cases, including  
5-60 juvenile and child welfare cases, the district clerk serves as  
5-61 clerk of a county court at law. The district clerk shall establish  
5-62 a separate family law docket for each county court at law.

5-63 (g-2) The commissioners court shall provide the deputy  
5-64 clerks, bailiffs, and other personnel necessary to operate the  
5-65 county courts at law.

5-66 (m) The judge of the county court and the judges [~~judge~~] of  
5-67 the [~~a~~] county courts [~~court~~] at law may agree on a plan governing  
5-68 the filing, numbering, and docketing of cases within the concurrent  
5-69 jurisdiction of their courts and the assignment of those cases for

6-1 trial. The plan may provide for the centralized institution and  
6-2 filing of all such cases with one court, clerk, or coordinator  
6-3 designated by the plan and for the systemized assignment of those  
6-4 cases to the courts participating in the plan, and the provisions of  
6-5 the plan for the centralized filing and assignment of cases shall  
6-6 control notwithstanding any other provisions of this section. If  
6-7 the judges of the county court and the county courts [~~court~~] at law  
6-8 are unable to agree on a filing, docketing, and assignment of cases  
6-9 plan, a board of judges composed of the district judges and the  
6-10 county court at law judges for San Patricio County [~~the presiding~~  
6-11 ~~judge of the 36th Judicial District~~] shall design a plan for the  
6-12 [~~both~~] courts.

6-13 (c) The County Court at Law No. 2 of San Patricio County is  
6-14 created January 1, 2023.

6-15 SECTION 2.07. Section 25.2223(1), Government Code, is  
6-16 amended to read as follows:

6-17 (1) The County Criminal Court No. 5 of Tarrant County and  
6-18 the County Criminal Court No. 6 of Tarrant County shall give  
6-19 preference to cases brought under Title 5, Penal Code, involving  
6-20 family violence as defined by Section 71.004, Family Code, and  
6-21 cases brought under Sections 25.07, 25.072, and 42.072, Penal Code.

6-22 SECTION 2.08. (a) Section 25.2481, Government Code, is  
6-23 amended to read as follows:

6-24 Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the  
6-25 following statutory county courts:

- 6-26 (1) County Court at Law No. 1 of Williamson County;
- 6-27 (2) County Court at Law No. 2 of Williamson County;
- 6-28 (3) County Court at Law No. 3 of Williamson County;
- 6-29 [~~and~~]
- 6-30 (4) County Court at Law No. 4 of Williamson County;
- 6-31 and
- 6-32 (5) County Court at Law No. 5 of Williamson County.

6-33 (b) The County Court at Law No. 5 of Williamson County is  
6-34 created on the effective date of this Act.

6-35 ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

6-36 SECTION 3.01. Subchapter B, Chapter 45, Code of Criminal  
6-37 Procedure, is amended by adding Article 45.0241 to read as follows:

6-38 Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. A justice or  
6-39 judge may not accept a plea of guilty or plea of nolo contendere  
6-40 unless it appears to the justice or judge that the defendant is  
6-41 mentally competent and the plea is free and voluntary.

6-42 SECTION 3.02. Section 292.001(d), Local Government Code, is  
6-43 amended to read as follows:

6-44 (d) A justice of the peace court may not be housed or  
6-45 conducted in a building located outside the court's precinct except  
6-46 as provided by Section 27.051(f) or 27.0515, Government Code, or  
6-47 unless the justice of the peace court is situated in the county  
6-48 courthouse in a county with a population of at least 305,000  
6-49 [~~275,000~~] persons and the county seat of which is located in the  
6-50 Llano Estacado region of this state [~~but no more than 285,000~~  
6-51 ~~persons~~].

6-52 ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

6-53 SECTION 4.01. Section 51.02, Family Code, is amended by  
6-54 adding Subdivision (3-a) to read as follows:

6-55 (3-a) "Dual status child" means a child who has been  
6-56 referred to the juvenile justice system and is:

- 6-57 (A) in the temporary or permanent managing
- 6-58 conservatorship of the Department of Family and Protective
- 6-59 Services;
- 6-60 (B) the subject of a case for which family-based
- 6-61 safety services have been offered or provided by the department;
- 6-62 (C) an alleged victim of abuse or neglect in an
- 6-63 open child protective investigation; or
- 6-64 (D) a victim in a case in which, after an
- 6-65 investigation, the department concluded there was reason to believe
- 6-66 the child was abused or neglected.

6-67 SECTION 4.02. Section 51.04(h), Family Code, is amended to  
6-68 read as follows:

6-69 (h) A judge exercising jurisdiction over a child in a suit

7-1 instituted under Subtitle E, Title 5, may refer any aspect of a suit  
7-2 involving a dual status ~~[the]~~ child that is instituted under this  
7-3 title to the appropriate associate judge appointed under Subchapter  
7-4 C, Chapter 201, serving in the county and exercising jurisdiction  
7-5 over the child under Subtitle E, Title 5, if the associate judge  
7-6 consents to the referral. The scope of an associate judge's  
7-7 authority over a suit referred under this subsection is subject to  
7-8 any limitations placed by the court judge in the order of referral.

7-9 SECTION 4.03. Section 51.0414(a), Family Code, is amended  
7-10 to read as follows:

7-11 (a) The juvenile court may transfer a dual status child's  
7-12 case, including transcripts of records and documents for the case,  
7-13 to a district or statutory county court located in another county  
7-14 that is exercising jurisdiction over the child in a suit instituted  
7-15 under Subtitle E, Title 5. A case may only be transferred under  
7-16 this section with the consent of the judge of the court to which the  
7-17 case is being transferred.

7-18 SECTION 4.04. Sections 107.004(d) and (e), Family Code, are  
7-19 amended to read as follows:

7-20 (d) Except as provided by Subsection (e), an attorney ad  
7-21 litem appointed for a child in a proceeding under Chapter 262, ~~[or]~~  
7-22 263, or 264 shall:

7-23 (1) meet before each court hearing with:

7-24 (A) the child, if the child is at least four years  
7-25 of age; or

7-26 (B) the individual with whom the child ordinarily  
7-27 resides, including the child's parent, conservator, guardian,  
7-28 caretaker, or custodian, if the child is younger than four years of  
7-29 age; and

7-30 (2) report to the court whether [if the child or  
7-31 individual is not present at the court hearing, file a written  
7-32 statement with the court indicating that] the attorney ad litem:

7-33 (A) complied with Subdivision (1); or

7-34 (B) requests that the court find good cause for  
7-35 noncompliance because compliance was not feasible or in the best  
7-36 interest of the child under Subsection (e).

7-37 (e) An attorney ad litem appointed for a child in a  
7-38 proceeding under Chapter 262, ~~[or]~~ 263, or 264 is not required to  
7-39 comply with Subsection (d) before a hearing if the court finds at  
7-40 that hearing that the attorney ad litem has shown good cause why the  
7-41 attorney ad litem's compliance with that subsection is not feasible  
7-42 or in the best interest of the child. Additionally, a court may, on  
7-43 a showing of good cause, authorize an attorney ad litem to comply  
7-44 with Subsection (d) by conferring with the child or other  
7-45 individual, as appropriate, by telephone or video conference.

7-46 ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS

7-47 SECTION 5.01. Article 4.01, Code of Criminal Procedure, is  
7-48 amended to read as follows:

7-49 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The  
7-50 following courts have jurisdiction in criminal actions:

- 7-51 1. The Court of Criminal Appeals;
- 7-52 2. Courts of appeals;
- 7-53 3. The district courts;
- 7-54 4. The criminal district courts;
- 7-55 5. The magistrates appointed by the judges of the  
7-56 district courts of Bexar County, Dallas County, Tarrant County, or  
7-57 Travis County that give preference to criminal cases and the  
7-58 magistrates appointed by the judges of the criminal district courts  
7-59 of Dallas County or Tarrant County;
- 7-60 6. The county courts;
- 7-61 7. All county courts at law with criminal  
7-62 jurisdiction;
- 7-63 8. County criminal courts;
- 7-64 9. Justice courts;
- 7-65 10. Municipal courts;
- 7-66 11. The magistrates appointed by the judges of the  
7-67 district courts of Lubbock County; ~~[and]~~
- 7-68 12. The magistrates appointed by the El Paso Council  
7-69 of Judges; and

8-1 13. The magistrates appointed by the Brazoria County  
8-2 Commissioners Court or the local administrative judge for Brazoria  
8-3 County.

8-4 SECTION 5.02. Chapter 54, Government Code, is amended by  
8-5 adding Subchapter PP to read as follows:

8-6 SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

8-7 Sec. 54.2501. CREATION. The Brazoria County Criminal Law  
8-8 Magistrate Court is a court with the jurisdiction provided by this  
8-9 subchapter.

8-10 Sec. 54.2502. APPOINTMENT. (a) On recommendation from the  
8-11 local administrative judge, the commissioners court of Brazoria  
8-12 County may appoint one or more full- or part-time judges to preside  
8-13 over the criminal law magistrate court for the term determined by  
8-14 the commissioners court. The local administrative judge shall  
8-15 appoint one or more full- or part-time judges to preside over the  
8-16 criminal law magistrate court if the commissioners court is  
8-17 prohibited by law from appointing a judge.

8-18 (b) To be eligible for appointment as a judge of the  
8-19 criminal law magistrate court, a person must meet all the  
8-20 requirements and qualifications to serve as a district court judge.

8-21 (c) A judge of the criminal law magistrate court is entitled  
8-22 to the salary set by the commissioners court. The salary may not be  
8-23 less than the annual base salary paid to a district judge under  
8-24 Chapter 659.

8-25 (d) A judge appointed under this section serves at the  
8-26 pleasure of the commissioners court or the local administrative  
8-27 judge, as applicable.

8-28 Sec. 54.2503. JURISDICTION. (a) Except as provided by  
8-29 this subsection, the criminal law magistrate court has the criminal  
8-30 jurisdiction provided by the constitution and laws of this state  
8-31 for county courts at law. The criminal law magistrate court does  
8-32 not have jurisdiction to:

8-33 (1) hear a trial of a misdemeanor offense, other than a  
8-34 Class C misdemeanor, on the merits if a jury trial is demanded; or

8-35 (2) hear a trial of a misdemeanor, other than a Class C  
8-36 misdemeanor, on the merits if a defendant pleads not guilty.

8-37 (b) The criminal law magistrate court has the jurisdiction  
8-38 provided by the constitution and laws of this state for  
8-39 magistrates. A judge of the criminal law magistrate court is a  
8-40 magistrate as that term is defined by Article 2.09, Code of Criminal  
8-41 Procedure.

8-42 (c) Except as provided by this subsection, the criminal law  
8-43 magistrate court has the criminal jurisdiction provided by the  
8-44 constitution and laws of this state for a district court. The  
8-45 criminal law magistrate court does not have jurisdiction to:

8-46 (1) hear a trial of a felony offense on the merits if a  
8-47 jury trial is demanded;

8-48 (2) hear a trial of a felony offense on the merits if a  
8-49 defendant pleads not guilty;

8-50 (3) sentence in a felony case unless the judge in whose  
8-51 court the case is pending assigned the case to the criminal law  
8-52 magistrate court for a guilty plea and sentence; or

8-53 (4) hear any part of a capital murder case after  
8-54 indictment.

8-55 (d) A criminal law magistrate court may not issue writs of  
8-56 habeas corpus in felony cases but may hear and grant relief on a  
8-57 writ of habeas corpus issued by a district court and assigned by the  
8-58 district court to the criminal law magistrate court.

8-59 (e) A felony or misdemeanor indictment or information may  
8-60 not be filed in or transferred to the criminal law magistrate court.

8-61 (f) A judge of the criminal law magistrate court shall  
8-62 exercise jurisdiction granted by this subchapter over felony and  
8-63 misdemeanor indictments and informations only as judge presiding  
8-64 for the court in which the indictment or information is pending and  
8-65 under the limitations set out in the assignment order by the  
8-66 assigning court or as provided by local administrative rules.

8-67 (g) The criminal law magistrate court has concurrent  
8-68 criminal jurisdiction with the justice courts located in Brazoria  
8-69 County.



9-1 Sec. 54.2504. POWERS AND DUTIES. (a) The criminal law  
9-2 magistrate court or a judge of the criminal law magistrate court may  
9-3 issue writs of injunction and all other writs necessary for the  
9-4 enforcement of the jurisdiction of the court and may issue  
9-5 misdemeanor writs of habeas corpus in cases in which the offense  
9-6 charged is within the jurisdiction of the court or of any other  
9-7 court of inferior jurisdiction in the county. The court and the  
9-8 judge may punish for contempt as provided by law for district  
9-9 courts. A judge of the criminal law magistrate court has all other  
9-10 powers, duties, immunities, and privileges provided by law for:

9-11 (1) justices of the peace when acting in a Class C  
9-12 misdemeanor case;

9-13 (2) county court at law judges when acting in a Class A  
9-14 or Class B misdemeanor case; and

9-15 (3) district court judges when acting in a felony  
9-16 case.

9-17 (b) A judge of the criminal law magistrate court may hold an  
9-18 indigency hearing and a capias pro fine hearing. When acting as the  
9-19 judge who issued the capias pro fine, a judge of the criminal law  
9-20 magistrate court may make all findings of fact and conclusions of  
9-21 law required of the judge who issued the capias pro fine. In  
9-22 conducting a hearing under this subsection, the judge of the  
9-23 criminal law magistrate court is empowered to make all findings of  
9-24 fact and conclusions of law and to issue all orders necessary to  
9-25 properly dispose of the capias pro fine or indigency hearing in  
9-26 accordance with the provisions of the Code of Criminal Procedure  
9-27 applicable to a misdemeanor or felony case of the same type and  
9-28 level.

9-29 (c) A judge of the magistrate court may accept a plea of  
9-30 guilty or nolo contendere from a defendant charged with a  
9-31 misdemeanor or felony offense.

9-32 Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES.

9-33 (a) Except as provided by Subsection (b) or local administrative  
9-34 rules, the local administrative judge or a judge of the criminal law  
9-35 magistrate court may transfer between courts a case that is pending  
9-36 in the court of any magistrate in the criminal law magistrate  
9-37 court's jurisdiction if the case is:

9-38 (1) an unindicted felony case;

9-39 (2) a Class A or Class B misdemeanor case if an  
9-40 information has not been filed; or

9-41 (3) a Class C misdemeanor case.

9-42 (b) A case may not be transferred from or to the magistrate  
9-43 docket of a district court judge, county court at law judge, or  
9-44 justice of the peace without the consent of the judge of the court  
9-45 to which it is transferred.

9-46 (c) Except as provided by Subsection (d) or local  
9-47 administrative rules, the local administrative judge may assign a  
9-48 judge of the criminal law magistrate court to act as presiding judge  
9-49 in a case that is pending in the court of any magistrate in the  
9-50 criminal law magistrate court's jurisdiction if the case is:

9-51 (1) an unindicted felony case;

9-52 (2) a Class A or Class B misdemeanor case if an  
9-53 information has not been filed; or

9-54 (3) a Class C misdemeanor case.

9-55 (d) A case may not be assigned to a district court judge,  
9-56 county court at law judge, or justice of the peace without the  
9-57 assigned judge's consent.

9-58 (e) This section applies only to the district courts, county  
9-59 courts at law, and justice courts in the county.

9-60 Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. A district  
9-61 judge, county court at law judge, or justice of the peace may refer  
9-62 to a judge of the criminal law magistrate court any criminal case or  
9-63 matter relating to a criminal case for any proceeding other than  
9-64 presiding over a criminal trial on the merits, whether or not the  
9-65 trial is before a jury.

9-66 Sec. 54.2507. OATH OF OFFICE. A judge of the criminal law  
9-67 magistrate court must take the constitutional oath of office  
9-68 prescribed for appointed officers.

9-69 Sec. 54.2508. JUDICIAL IMMUNITY. A judge of the criminal

10-1 law magistrate court has the same judicial immunity as a district  
10-2 judge.

10-3 Sec. 54.2509. CLERK. The clerk of a district court or  
10-4 county court at law that refers a proceeding to a magistrate under  
10-5 this subchapter shall perform the statutory duties necessary for  
10-6 the magistrate to perform the duties authorized by this subchapter.

10-7 Sec. 54.2510. SHERIFF. The county sheriff, either in  
10-8 person or by deputy, shall attend the criminal law magistrate court  
10-9 as required by the judge of that court.

10-10 Sec. 54.2511. WITNESSES. (a) A witness who is sworn and  
10-11 who appears before a magistrate is subject to the penalties for  
10-12 perjury and aggravated perjury provided by law.

10-13 (b) A referring court may fine or imprison a witness or  
10-14 other court participant for failure to appear after being summoned,  
10-15 refusal to answer questions, or other acts of direct contempt  
10-16 before a magistrate.

10-17 ARTICLE 6. ELECTRONIC FILING SYSTEM

10-18 SECTION 6.01. Section 72.031(a), Government Code, is  
10-19 amended by adding Subdivision (5) to read as follows:

10-20 (5) "State court document database" has the meaning  
10-21 assigned by Section 51.609(a) as added by Chapter 1040 (H.B. 685),  
10-22 Acts of the 86th Legislature, Regular Session, 2019.

10-23 SECTION 6.02. Section 72.031(b), Government Code, is  
10-24 amended to read as follows:

10-25 (b) The office as authorized by supreme court rule or order  
10-26 may:

10-27 (1) implement an electronic filing system for use in  
10-28 the courts of this state;

10-29 (2) allow public access to view information or  
10-30 documents in the state court document database; and

10-31 (3) charge a reasonable fee for optional features in  
10-32 the state court document database.

10-33 ARTICLE 7. TRANSFER OF CASES

10-34 SECTION 7.01. Section 155.207, Family Code, is amended to  
10-35 read as follows:

10-36 Sec. 155.207. TRANSFER OF COURT FILES. (a) Not later than  
10-37 the 10th working day after the date an order of transfer is signed,  
10-38 the clerk of the court transferring a proceeding shall send, using  
10-39 the electronic filing system established under Section 72.031,  
10-40 Government Code, to the proper court in the county to which transfer  
10-41 is being made:

10-42 (1) a transfer certificate and index of transferred  
10-43 documents [the pleadings in the pending proceeding and any other  
10-44 document specifically requested by a party];

10-45 (2) [certified copies of all entries in the minutes,

10-46 [~~(3) a certified copy of each final order, and~~

10-47 [~~(4)~~] a [certified] copy of the order of transfer  
10-48 signed by the transferring court; and

10-49 (3) a copy of all documents required to be transferred  
10-50 under rules adopted by the Office of Court Administration of the  
10-51 Texas Judicial System under Section 72.037, Government Code.

10-52 (a-1) The clerk of the transferring court shall use the  
10-53 standardized transfer certificate and index of transferred  
10-54 documents form created by the Office of Court Administration of the  
10-55 Texas Judicial System under Section 72.037, Government Code, when  
10-56 transferring a proceeding under this section.

10-57 (b) The clerk of the transferring court shall keep a copy of  
10-58 [the] transferred pleadings [and other requested documents. If the  
10-59 transferring court retains jurisdiction of another child who was  
10-60 the subject of the suit, the clerk shall send a copy of the  
10-61 pleadings and other requested documents to the court to which the  
10-62 transfer is made and shall keep the original pleadings and other  
10-63 requested documents].

10-64 (c) The [On receipt of the pleadings, documents, and orders  
10-65 from the transferring court, the] clerk of the transferee court  
10-66 shall:

10-67 (1) accept documents transferred under Subsection  
10-68 (a);

10-69 (2) docket the suit; and

11-1 (3) ~~[shall]~~ notify, using the electronic filing system  
 11-2 established under Section 72.031, Government Code ~~[the judge of the~~  
 11-3 ~~transferee court]~~, all parties, the clerk of the transferring  
 11-4 court, and, if appropriate, the transferring court's local registry  
 11-5 that the suit has been docketed.

11-6 (c-1) The clerk of the transferee court shall physically or  
 11-7 electronically mark or stamp the transfer certificate and index of  
 11-8 transferred documents to evidence the date and time of acceptance  
 11-9 under Subsection (c), but may not physically or electronically mark  
 11-10 or stamp any other document transferred under Subsection (a).

11-11 (d) The clerk of the transferring court shall send a  
 11-12 certified copy of the order directing payments to the transferee  
 11-13 court:

11-14 (1) ~~[r]~~ to any party ~~[or employer]~~ affected by the  
 11-15 ~~[that]~~ order, and, if appropriate, to the local registry of the  
 11-16 transferee court using the electronic filing system established  
 11-17 under Section 72.031, Government Code; and

11-18 (2) to an employer affected by the order  
 11-19 electronically or by first class mail.

11-20 (e) The clerks of both the transferee and transferring  
 11-21 courts may each produce under Chapter 51, Government Code,  
 11-22 certified or uncertified copies of documents filed in a case  
 11-23 transferred under this section, but shall also include a copy of the  
 11-24 transfer certificate and index of transferred documents with each  
 11-25 document produced.

11-26 (f) Sections 80.001 and 80.002, Government Code, do not  
 11-27 apply to the transfer of documents under this section.

11-28 SECTION 7.02. Section 51.3071, Government Code, is amended  
 11-29 to read as follows:

11-30 Sec. 51.3071. TRANSFER OF CASES. (a) If a case is  
 11-31 transferred from a district court to a county court, the clerk of  
 11-32 the district court shall ~~[may]~~ send to the county clerk using the  
 11-33 electronic filing system established under Section 72.031 ~~[in~~  
 11-34 ~~electronic or paper form]~~:

11-35 (1) a transfer certificate and index of transferred  
 11-36 documents ~~[certified transcript of the proceedings held in the~~  
 11-37 ~~district court]~~;

11-38 (2) a copy of the order of transfer signed by the  
 11-39 transferring court ~~[the original papers filed in the district~~  
 11-40 ~~court]~~; and

11-41 (3) a copy of all documents required to be transferred  
 11-42 under rules adopted by the Office of Court Administration of the  
 11-43 Texas Judicial System under Section 72.037 ~~[a bill of the costs that~~  
 11-44 ~~have accrued in the district court]~~.

11-45 (b) The clerk of the transferring court shall use the  
 11-46 standardized transfer certificate and index of transferred  
 11-47 documents form created by the Office of Court Administration of the  
 11-48 Texas Judicial System under Section 72.037 when transferring a case  
 11-49 under this section.

11-50 (c) The clerk of the transferee court shall accept documents  
 11-51 transferred under Subsection (a) and docket the case.

11-52 (d) The clerk of the transferee court shall physically or  
 11-53 electronically mark or stamp the transfer certificate and index of  
 11-54 transferred documents to evidence the date and time of acceptance  
 11-55 under Subsection (c), but may not physically or electronically mark  
 11-56 or stamp any other document transferred under Subsection (a).

11-57 (e) Sections 80.001 and 80.002 do not apply to the transfer  
 11-58 of documents under this section.

11-59 SECTION 7.03. Section 51.403, Government Code, is amended  
 11-60 to read as follows:

11-61 Sec. 51.403. TRANSFER OF CASES. (a) If a case is  
 11-62 transferred from a county court to a district court, the clerk of  
 11-63 the county court shall send to the district clerk using the  
 11-64 electronic filing system established under Section 72.031 ~~[in~~  
 11-65 ~~electronic or paper form]~~:

11-66 (1) a transfer certificate and index of transferred  
 11-67 documents ~~[certified transcript of the proceedings held in the~~  
 11-68 ~~county court]~~;

11-69 (2) a copy of the order of transfer signed by the

12-1 transferring court [~~the original papers filed in the county court~~];  
 12-2 and

12-3 (3) a copy of all documents required to be transferred  
 12-4 under rules adopted by the Office of Court Administration of the  
 12-5 Texas Judicial System under Section 72.037 [~~a bill of the costs that~~  
 12-6 ~~have accrued in the county court~~].

12-7 (a-1) The clerk of the transferring court shall use the  
 12-8 standardized transfer certificate and index of transferred  
 12-9 documents form created by the Office of Court Administration of the  
 12-10 Texas Judicial System under Section 72.037 when transferring a case  
 12-11 under this section.

12-12 (a-2) The clerk of the transferee court shall accept  
 12-13 documents transferred under Subsection (a) and docket the case.

12-14 (a-3) The clerk of the transferee court shall physically or  
 12-15 electronically mark or stamp the transfer certificate and index of  
 12-16 transferred documents to evidence the date and time of acceptance  
 12-17 under Subsection (a-2), but may not physically or electronically  
 12-18 mark or stamp any other document transferred under Subsection (a).

12-19 (b) If civil or criminal jurisdiction of a county court is  
 12-20 transferred to a district court, the clerk of the county court shall  
 12-21 send using the electronic filing system established under Section  
 12-22 72.031 a certified copy of the judgments rendered in the county  
 12-23 court that remain unsatisfied[~~, in electronic or paper form,~~] to  
 12-24 the district clerks of the appropriate counties.

12-25 (c) Sections 80.001 and 80.002 do not apply to the transfer  
 12-26 of documents under this section.

12-27 SECTION 7.04. Subchapter C, Chapter 72, Government Code, is  
 12-28 amended by adding Section 72.037 to read as follows:

12-29 Sec. 72.037. PROCEDURE FOR TRANSFER OF CASES AND  
 12-30 PROCEEDINGS. (a) The office shall adopt rules prescribing the  
 12-31 documents to be transferred between courts when a transfer of a case  
 12-32 or proceeding is ordered under Section 155.207, Family Code, or  
 12-33 Section 51.3071 or 51.403 of this code.

12-34 (b) Rules adopted under this section must require the  
 12-35 transfer of the following documents relating to a transferred case  
 12-36 or proceeding:

12-37 (1) a copy of the original papers filed in the  
 12-38 transferring court;

12-39 (2) a copy of each final order;

12-40 (3) a copy of the transfer certificate and index of  
 12-41 transferred documents from each previous transfer; and

12-42 (4) a bill of any costs that have accrued in the  
 12-43 transferring court.

12-44 (c) The office shall develop and make available a  
 12-45 standardized transfer certificate and index of transferred  
 12-46 documents form to be used for the transfer of cases and proceedings  
 12-47 under Section 155.207, Family Code, and Sections 51.3071 and 51.403  
 12-48 of this code.

12-49 (d) In adopting rules and developing forms under this  
 12-50 section, the office shall consult with representatives of county  
 12-51 and district clerks.

12-52 SECTION 7.05. As soon as practicable after the effective  
 12-53 date of this Act, the Office of Court Administration of the Texas  
 12-54 Judicial System shall adopt rules and develop and make available  
 12-55 all forms and materials required by Section 72.037, Government  
 12-56 Code, as added by this Act.

12-57 ARTICLE 8. HABEAS CORPUS

12-58 SECTION 8.01. Section 5(a), Article 11.072, Code of  
 12-59 Criminal Procedure, is amended to read as follows:

12-60 (a) Immediately on filing an application, the applicant  
 12-61 shall serve a copy of the application on the attorney representing  
 12-62 the state[~~7~~] by:

12-63 (1) [~~either~~] certified mail, return receipt  
 12-64 requested;

12-65 (2) [~~or~~] personal service;

12-66 (3) electronic service through the electronic filing  
 12-67 manager authorized by Rule 21, Texas Rules of Civil Procedure; or

12-68 (4) a secure electronic transmission to the attorney's  
 12-69 e-mail address filed with the electronic filing system as required



13-1 under Section 80.003, Government Code.

13-2 SECTION 8.02. Section 5(a), Article 11.072, Code of  
13-3 Criminal Procedure, as amended by this Act, applies only to an  
13-4 application for a writ of habeas corpus filed on or after the  
13-5 effective date of this Act. An application filed before the  
13-6 effective date of this Act is governed by the law in effect when the  
13-7 application was filed, and the former law is continued in effect for  
13-8 that purpose.

13-9 ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP

13-10 SECTION 9.01. Section 64.101(c), Civil Practice and  
13-11 Remedies Code, is amended to read as follows:

13-12 (c) Except as provided by Section 17.032, the [The] citation  
13-13 shall be published on the public information Internet website  
13-14 maintained as required by Section 72.034, Government Code, as added  
13-15 by Chapter 606 (S.B. 891), Acts of the 86th Legislature, Regular  
13-16 Session, 2019, and in a newspaper of general circulation:

13-17 (1) once in the county in which the missing person  
13-18 resides; and

13-19 (2) once in each county in which property of the  
13-20 missing person's estate is located.

13-21 SECTION 9.02. Section 51.103(b), Estates Code, is amended  
13-22 to read as follows:

13-23 (b) Proof of service consists of:

13-24 (1) if the service is made by a sheriff or constable,  
13-25 the return of service;

13-26 (2) if the service is made by a private person, the  
13-27 person's statement [affidavit];

13-28 (3) if the service is made by mail:

13-29 (A) the certificate of the county clerk making  
13-30 the service, or the statement [affidavit] of the personal  
13-31 representative or other person making the service, stating that the  
13-32 citation or notice was mailed and the date of the mailing; and

13-33 (B) the return receipt attached to the  
13-34 certificate or affidavit, as applicable, if the mailing was by  
13-35 registered or certified mail and a receipt has been returned; and

13-36 (4) if the service is made by publication:

13-37 (A) a statement [an affidavit]:

13-38 (i) made by the Office of Court  
13-39 Administration of the Texas Judicial System or an employee of the  
13-40 office;

13-41 (ii) that contains or to which is attached a  
13-42 copy of the published citation or notice; and

13-43 (iii) that states the date of publication  
13-44 on the public information Internet website maintained as required  
13-45 by Section 72.034, Government Code, as added by Chapter 606 (S.B.  
13-46 891), Acts of the 86th Legislature, Regular Session, 2019; and

13-47 (B) a statement [an affidavit]:

13-48 (i) made by the publisher of the newspaper  
13-49 in which the citation or notice was published or an employee of the  
13-50 publisher;

13-51 (ii) that contains or to which is attached a  
13-52 copy of the published citation or notice; and

13-53 (iii) that states the date of publication  
13-54 printed on the newspaper in which the citation or notice was  
13-55 published.

13-56 SECTION 9.03. Section 1051.153(b), Estates Code, is amended  
13-57 to read as follows:

13-58 (b) Proof of service consists of:

13-59 (1) if the service is made by a sheriff or constable,  
13-60 the return of service;

13-61 (2) if the service is made by a private person, the  
13-62 person's affidavit;

13-63 (3) if the service is made by mail:

13-64 (A) the certificate of the county clerk making  
13-65 the service, or the statement [affidavit] of the guardian or other  
13-66 person making the service that states that the citation or notice  
13-67 was mailed and the date of the mailing; and

13-68 (B) the return receipt attached to the  
13-69 certificate, if the mailing was by registered or certified mail and

14-1 a receipt has been returned; and  
 14-2 (4) if the service is made by publication:  
 14-3 (A) a statement [an affidavit] that:  
 14-4 (i) is made by the Office of Court  
 14-5 Administration of the Texas Judicial System or an employee of the  
 14-6 office;  
 14-7 (ii) contains or to which is attached a copy  
 14-8 of the published citation or notice; and  
 14-9 (iii) states the date of publication on the  
 14-10 public information Internet website maintained as required by  
 14-11 Section 72.034, Government Code, as added by Chapter 606 (S.B.  
 14-12 891), Acts of the 86th Legislature, Regular Session, 2019; and  
 14-13 (B) a statement [an affidavit] that:  
 14-14 (i) is made by the publisher of the  
 14-15 newspaper in which the citation or notice was published or an  
 14-16 employee of the publisher;  
 14-17 (ii) contains or to which is attached a copy  
 14-18 of the published citation or notice; and  
 14-19 (iii) states the date of publication  
 14-20 printed on the newspaper in which the citation or notice was  
 14-21 published.

14-22 ARTICLE 10. EVIDENCE

14-23 SECTION 10.01. Section 2, Article 38.01, Code of Criminal  
 14-24 Procedure, is amended by adding Subdivision (4-a) to read as  
 14-25 follows:

14-26 (4-a) "Forensic examination or test not subject to  
 14-27 accreditation" means an examination or test described by Article  
 14-28 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.

14-29 SECTION 10.02. Article 38.01, Code of Criminal Procedure,  
 14-30 is amended by adding Section 3-b to read as follows:

14-31 Sec. 3-b. CODE OF PROFESSIONAL RESPONSIBILITY. (a) The  
 14-32 commission shall adopt a code of professional responsibility to  
 14-33 regulate the conduct of persons, laboratories, facilities, and  
 14-34 other entities regulated under this article.

14-35 (b) The commission shall publish the code of professional  
 14-36 responsibility adopted under Subsection (a).

14-37 (c) The commission shall adopt rules establishing sanctions  
 14-38 for code violations.

14-39 (d) The commission shall update the code of professional  
 14-40 responsibility as necessary to reflect changes in science,  
 14-41 technology, or other factors affecting the persons, laboratories,  
 14-42 facilities, and other entities regulated under this article.

14-43 SECTION 10.03. Sections 4(a), (a-1), (b-1), and (c),  
 14-44 Article 38.01, Code of Criminal Procedure, are amended to read as  
 14-45 follows:

14-46 (a) The commission shall:

14-47 (1) develop and implement a reporting system through  
 14-48 which a crime laboratory may report professional negligence or  
 14-49 professional misconduct;

14-50 (2) require a crime laboratory that conducts forensic  
 14-51 analyses to report professional negligence or professional  
 14-52 misconduct to the commission; and

14-53 (3) investigate, in a timely manner, any allegation of  
 14-54 professional negligence or professional misconduct that would  
 14-55 substantially affect the integrity of:

14-56 (A) the results of a forensic analysis conducted  
 14-57 by a crime laboratory;

14-58 (B) an examination or test that is conducted by a  
 14-59 crime laboratory and that is a forensic examination or test not  
 14-60 subject to accreditation; or

14-61 (C) testimony related to an analysis,  
 14-62 examination, or test described by Paragraph (A) or (B).

14-63 (a-1) The commission may initiate [~~for educational~~  
 14-64 ~~purposes]~~ an investigation of a forensic analysis or a forensic  
 14-65 examination or test not subject to accreditation, without receiving  
 14-66 a complaint[~~7~~] submitted through the reporting system implemented  
 14-67 under Subsection (a)(1), [~~that contains an allegation of~~  
 14-68 ~~professional negligence or professional misconduct involving the~~  
 14-69 ~~forensic analysis conducted]~~ if the commission determines by a

15-1 majority vote of a quorum of the members of the commission that an  
 15-2 investigation of the [~~forensic~~] analysis, examination, or test  
 15-3 would advance the integrity and reliability of forensic science in  
 15-4 this state.

15-5 (b-1) If the commission conducts an investigation under  
 15-6 Subsection (a)(3) of a crime laboratory that is not accredited  
 15-7 under this article or the investigation involves a forensic  
 15-8 examination or test not subject to accreditation [~~is conducted~~  
 15-9 ~~pursuant to an allegation involving a forensic method or~~  
 15-10 ~~methodology that is not an accredited field of forensic science~~],  
 15-11 the investigation may include the preparation of a written report  
 15-12 that contains:

15-13 (1) observations of the commission regarding the  
 15-14 integrity and reliability of the applicable [~~forensic~~] analysis,  
 15-15 examination, or test conducted;

15-16 (2) best practices identified by the commission during  
 15-17 the course of the investigation; or

15-18 (3) other recommendations that are relevant, as  
 15-19 determined by the commission.

15-20 (c) The commission by contract may delegate the duties  
 15-21 described by Subsections (a)(1) and (3) and Sections 4-d(b)(1),  
 15-22 (b-1), and (d) to any person the commission determines to be  
 15-23 qualified to assume those duties.

15-24 SECTION 10.04. Section 4-a(c), Article 38.01, Code of  
 15-25 Criminal Procedure, is amended to read as follows:

15-26 (c) The commission by rule may establish voluntary  
 15-27 licensing programs for forensic examinations or tests [~~disciplines~~  
 15-28 ~~that are~~] not subject to accreditation [~~under this article~~].

15-29 SECTION 10.05. Section 4-d(b-1), Article 38.01, Code of  
 15-30 Criminal Procedure, is amended to read as follows:

15-31 (b-1) As part of the accreditation process established and  
 15-32 implemented under Subsection (b), the commission may:

15-33 (1) establish minimum standards that relate to the  
 15-34 timely production of a forensic analysis to the agency requesting  
 15-35 the analysis and that are consistent with this article and  
 15-36 applicable laws;

15-37 (2) validate or approve specific forensic methods or  
 15-38 methodologies; and

15-39 (3) establish procedures, policies, standards, and  
 15-40 practices to improve the quality of forensic analyses conducted in  
 15-41 this state.

15-42 SECTION 10.06. Article 38.01, Code of Criminal Procedure,  
 15-43 is amended by adding Section 14 to read as follows:

15-44 Sec. 14. FUNDING FOR TRAINING AND EDUCATION. The  
 15-45 commission may use appropriated funds for the training and  
 15-46 education of forensic analysts.

15-47 SECTION 10.07. Section 2254.002(2), Government Code, is  
 15-48 amended to read as follows:

15-49 (2) "Professional services" means services:

15-50 (A) within the scope of the practice, as defined  
 15-51 by state law, of:

- 15-52 (i) accounting;
- 15-53 (ii) architecture;
- 15-54 (iii) landscape architecture;
- 15-55 (iv) land surveying;
- 15-56 (v) medicine;
- 15-57 (vi) optometry;
- 15-58 (vii) professional engineering;
- 15-59 (viii) real estate appraising; [~~or~~]
- 15-60 (ix) professional nursing; or
- 15-61 (x) forensic science;

15-62 (B) provided in connection with the professional  
 15-63 employment or practice of a person who is licensed or registered as:

- 15-64 (i) a certified public accountant;
- 15-65 (ii) an architect;
- 15-66 (iii) a landscape architect;
- 15-67 (iv) a land surveyor;
- 15-68 (v) a physician, including a surgeon;
- 15-69 (vi) an optometrist;

- 16-1 (vii) a professional engineer;
- 16-2 (viii) a state certified or state licensed
- 16-3 real estate appraiser; ~~or~~
- 16-4 (ix) a registered nurse; or
- 16-5 (x) a forensic analyst or forensic science
- 16-6 expert; or

16-7 (C) provided by a person lawfully engaged in  
 16-8 interior design, regardless of whether the person is registered as  
 16-9 an interior designer under Chapter 1053, Occupations Code.

16-10 ARTICLE 11. JURY SERVICE

16-11 SECTION 11.01. Sections 61.003(a) and (c), Government Code,  
 16-12 are amended to read as follows:

16-13 (a) Each person who reports for jury service shall be  
 16-14 personally provided a form letter that when signed by the person  
 16-15 directs the county treasurer to donate all, or a specific amount  
 16-16 designated by the person, of the person's daily reimbursement under  
 16-17 this chapter to:

16-18 (1) the compensation to victims of crime fund  
 16-19 established under Subchapter J, Chapter 56B, Code of Criminal  
 16-20 Procedure;

16-21 (2) the child welfare, child protective services, or  
 16-22 child services board of the county appointed under Section 264.005,  
 16-23 Family Code, that serves abused and neglected children;

16-24 (3) any program selected by the commissioners court  
 16-25 that is operated by a public or private nonprofit organization and  
 16-26 that provides shelter and services to victims of family violence;

16-27 (4) any other program approved by the commissioners  
 16-28 court of the county, including a program established under Article  
 16-29 56A.205, Code of Criminal Procedure, that offers psychological  
 16-30 counseling in criminal cases involving graphic evidence or  
 16-31 testimony; ~~or~~

16-32 (5) a veterans treatment court program established by  
 16-33 the commissioners court as provided by Chapter 124; or

16-34 (6) a veterans county service office established by  
 16-35 the commissioners court as provided by Subchapter B, Chapter 434.

16-36 (c) The county treasurer shall:

16-37 (1) send all donations made under Subsection (a)(1) to  
 16-38 the comptroller, at the time and in the manner prescribed by the  
 16-39 attorney general, for deposit to the credit of the compensation to  
 16-40 victims of crime fund;

16-41 (2) deposit donations made to the county child welfare  
 16-42 board under Subsection (a)(2) in a fund established by the county to  
 16-43 be used by the child welfare board in a manner authorized by the  
 16-44 commissioners court of the county; and

16-45 (3) send all donations made under Subsection (a)(3),  
 16-46 ~~or~~ (a)(4), or (a)(6) directly to the program or office, as  
 16-47 applicable, specified on the form letter signed by the person who  
 16-48 reported for jury service.

16-49 SECTION 11.02. Section 62.202(b), Government Code, is  
 16-50 amended to read as follows:

16-51 (b) The district judge may draw a warrant on the jury fund or  
 16-52 other appropriate fund of the county in which the civil case is  
 16-53 tried to cover the cost of buying and transporting the meals to the  
 16-54 jury room. The judge may spend a reasonable amount ~~[Not more than~~  
 16-55 ~~\$3]~~ per meal ~~[may be spent]~~ for a juror serving on a jury in a civil  
 16-56 case.

16-57 ARTICLE 12. SPECIALTY COURT PROGRAMS

16-58 SECTION 12.01. Chapter 121, Government Code, is amended by  
 16-59 adding Sections 121.003 and 121.004 to read as follows:

16-60 Sec. 121.003. APPOINTMENT OF PRESIDING JUDGE OR MAGISTRATE  
 16-61 FOR REGIONAL SPECIALTY COURT PROGRAM. A judge or magistrate of a  
 16-62 district court or statutory county court who is authorized by law to  
 16-63 hear criminal cases may be appointed to preside over a regional  
 16-64 specialty court program recognized under this subtitle only if:

16-65 (1) the local administrative district and statutory  
 16-66 county court judges of each county participating in the program  
 16-67 approve the appointment by majority vote or another approval method  
 16-68 selected by the judges; and

16-69 (2) the presiding judges of each of the administrative



17-1 judicial regions in which the participating counties are located  
 17-2 sign an order granting the appointment.

17-3 Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR  
 17-4 MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or  
 17-5 magistrate appointed to preside over a regional specialty court  
 17-6 program may hear any misdemeanor or felony case properly  
 17-7 transferred to the program by an originating trial court  
 17-8 participating in the program, regardless of whether the originating  
 17-9 trial court and specialty court program are in the same county. The  
 17-10 appointed judge or magistrate may exercise only the authority  
 17-11 granted under this subtitle.

17-12 (b) The judge or magistrate of a regional specialty court  
 17-13 program may for a case properly transferred to the program:

17-14 (1) enter orders, judgments, and decrees for the case;  
 17-15 (2) sign orders of detention, order community service,  
 17-16 or impose other reasonable and necessary sanctions;

17-17 (3) send recommendations for dismissal and expunction  
 17-18 to the originating trial court for a defendant who successfully  
 17-19 completes the program; and

17-20 (4) return the case and documentation required by this  
 17-21 subtitle to the originating trial court for final disposition on a  
 17-22 defendant's successful completion of or removal from the program.

17-23 (c) A visiting judge assigned to preside over a regional  
 17-24 specialty court program has the same authority as the judge or  
 17-25 magistrate appointed to preside over the program.

17-26 SECTION 12.02. Section 124.003(b), Government Code, is  
 17-27 amended to read as follows:

17-28 (b) A veterans treatment court program established under  
 17-29 this chapter shall make, establish, and publish local procedures to  
 17-30 ensure maximum participation of eligible defendants in the program  
 17-31 [~~county or counties in which those defendants reside~~].

17-32 SECTION 12.03. Sections 124.006(a) and (d), Government  
 17-33 Code, are amended to read as follows:

17-34 (a) A veterans treatment court program that accepts  
 17-35 placement of a defendant may transfer responsibility for  
 17-36 supervising the defendant's participation in the program to another  
 17-37 veterans treatment court program that is located in the county  
 17-38 where the defendant works or resides or in a county adjacent to the  
 17-39 county where the defendant works or resides. The defendant's  
 17-40 supervision may be transferred under this section only with the  
 17-41 consent of both veterans treatment court programs and the  
 17-42 defendant.

17-43 (d) If a defendant is charged with an offense in a county  
 17-44 that does not operate a veterans treatment court program, the court  
 17-45 in which the criminal case is pending may place the defendant in a  
 17-46 veterans treatment court program located in the county where the  
 17-47 defendant works or resides or in a county adjacent to the county  
 17-48 where the defendant works or resides, provided that a program is  
 17-49 operated in that county and the defendant agrees to the placement.  
 17-50 A defendant placed in a veterans treatment court program in  
 17-51 accordance with this subsection must agree to abide by all rules,  
 17-52 requirements, and instructions of the program.

17-53 SECTION 12.04. (a) Section 121.003, Government Code, as  
 17-54 added by this Act, applies only to the appointment of a judge or  
 17-55 magistrate to preside over a regional specialty court program that  
 17-56 occurs on or after the effective date of this Act.

17-57 (b) Section 121.004, Government Code, as added by this Act,  
 17-58 applies to a case pending in a regional specialty court program on  
 17-59 or after the effective date of this Act.

17-60 ARTICLE 13. PROTECTIVE ORDERS

17-61 SECTION 13.01. Section 72.151(3), Government Code, is  
 17-62 amended to read as follows:

17-63 (3) "Protective order" means:  
 17-64 (A) an order issued by a court in this state under  
 17-65 Chapter 83 or 85, Family Code, to prevent family violence, as  
 17-66 defined by Section 71.004, Family Code;

17-67 (B) an order issued by a court in this state under  
 17-68 Subchapter A, Chapter 7B, Code of Criminal Procedure, to prevent  
 17-69 sexual assault or abuse, stalking, trafficking, or other harm to

18-1 the applicant; or

18-2 (C) [~~The term includes~~] a magistrate's order  
18-3 for emergency protection issued under Article 17.292, Code of  
18-4 Criminal Procedure, with respect to a person who is arrested for an  
18-5 offense involving family violence.

18-6 SECTION 13.02. Section 72.152, Government Code, is amended  
18-7 to read as follows:

18-8 Sec. 72.152. APPLICABILITY. This subchapter applies only  
18-9 to:

18-10 (1) an application for a protective order filed under:

18-11 (A) Chapter 82, Family Code;

18-12 (B) Subchapter A, Chapter 7B, Code of Criminal

18-13 Procedure; or

18-14 (C) [~~(B)~~] Article 17.292, Code of Criminal

18-15 Procedure, with respect to a person who is arrested for an offense  
18-16 involving family violence; and

18-17 (2) a protective order issued under:

18-18 (A) Chapter 83 or 85, Family Code;

18-19 (B) Subchapter A, Chapter 7B, Code of Criminal

18-20 Procedure; or

18-21 (C) [~~(B)~~] Article 17.292, Code of Criminal

18-22 Procedure, with respect to a person who is arrested for an offense  
18-23 involving family violence.

18-24 SECTION 13.03. Sections 72.154(b) and (d), Government Code,  
18-25 are amended to read as follows:

18-26 (b) Publicly accessible information regarding each  
18-27 protective order must consist of the following:

18-28 (1) the court that issued the protective order;

18-29 (2) the case number;

18-30 (3) the full name, county of residence, birth year,  
18-31 and race or ethnicity of the person who is the subject of the  
18-32 protective order;

18-33 (4) the dates the protective order was issued and  
18-34 served; and

18-35 (5) [~~the date the protective order was vacated, if~~  
18-36 ~~applicable; and~~

18-37 [~~(6)~~] the date the protective order expired or will  
18-38 expire, as applicable.

18-39 (d) The office may not allow a member of the public to access  
18-40 through the registry any information related to:

18-41 (1) a protective order issued under Article 7B.002 or  
18-42 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or

18-43 (2) a protective order that was vacated.

18-44 SECTION 13.04. Section 72.155(a), Government Code, is  
18-45 amended to read as follows:

18-46 (a) The registry must include a copy of each application for  
18-47 a protective order filed in this state and a copy of each protective  
18-48 order issued in this state, including an [a vacated or] expired  
18-49 order, or a vacated order other than an order that was vacated as  
18-50 the result of an appeal or bill of review from a district or county  
18-51 court. Only an authorized user, the attorney general, a district  
18-52 attorney, a criminal district attorney, a county attorney, a  
18-53 municipal attorney, or a peace officer may access that information  
18-54 under the registry.

18-55 SECTION 13.05. Section 72.157, Government Code, is amended  
18-56 by amending Subsection (b) and adding Subsection (b-1) to read as  
18-57 follows:

18-58 (b) Except as provided by Subsection (b-1), for [For] a  
18-59 protective order that is vacated or that has expired, the clerk of  
18-60 the applicable court shall modify the record of the order in the  
18-61 registry to reflect the order's status as vacated or expired. The  
18-62 clerk shall ensure that a record of a vacated order is not  
18-63 accessible by the public.

18-64 (b-1) For a protective order that is vacated as the result  
18-65 of an appeal or bill of review from a district or county court, the  
18-66 clerk of the applicable court shall notify the office not later than  
18-67 the end of the next business day after the date the protective order  
18-68 was vacated. The office shall remove the record of the order from  
18-69 the registry not later than the third business day after the date

19-1 the notice from the clerk was received.

19-2 SECTION 13.06. Section 72.158(a), Government Code, is  
19-3 amended to read as follows:

19-4 (a) The office shall ensure that the public may access  
19-5 information about protective orders, other than information about  
19-6 vacated orders or orders under Article 7B.002 or 17.292, Code of  
19-7 Criminal Procedure, or Chapter 83, Family Code, through the  
19-8 registry, only if:

19-9 (1) a protected person requests that the office grant  
19-10 the public the ability to access the information described by  
19-11 Section 72.154(b) for the order protecting the person; and

19-12 (2) the office approves the request.

19-13 SECTION 13.07. Section 72.152, Government Code, as amended  
19-14 by this Act, applies only to an application for a protective order  
19-15 filed or a protective order issued on or after the effective date of  
19-16 this Act.

19-17 SECTION 13.08. As soon as practicable after the effective  
19-18 date of this Act, the Office of Court Administration of the Texas  
19-19 Judicial System shall:

19-20 (1) remove the record of any protective orders that  
19-21 have been vacated as the result of an appeal or bill of review from a  
19-22 district or county court from the protective order registry  
19-23 established under Subchapter F, Chapter 72, Government Code, as  
19-24 amended by this Act; and

19-25 (2) ensure that the records of vacated orders, other  
19-26 than orders described by Subdivision (1) of this section that are  
19-27 removed from the registry, are not accessible by the public.

19-28 ARTICLE 14. TRANSITION

19-29 SECTION 14.01. A state agency subject to this Act is  
19-30 required to implement a provision of this Act only if the  
19-31 legislature appropriates money specifically for that purpose. If  
19-32 the legislature does not appropriate money specifically for that  
19-33 purpose, the state agency may, but is not required to, implement a  
19-34 provision of this Act using other appropriations available for that  
19-35 purpose.

19-36 SECTION 14.02. The Office of Court Administration of the  
19-37 Texas Judicial System is required to implement a provision of this  
19-38 Act only if the legislature appropriates money specifically for  
19-39 that purpose. If the legislature does not appropriate money  
19-40 specifically for that purpose, the office may, but is not required  
19-41 to, implement a provision of this Act using other appropriations  
19-42 available for that purpose.

19-43 ARTICLE 15. EFFECTIVE DATE

19-44 SECTION 15.01. Except as otherwise provided by this Act,  
19-45 this Act takes effect September 1, 2021.

19-46 \* \* \* \* \*