

## **BILL ANALYSIS**

Senate Research Center

S.B. 891  
By: Huffman  
State Affairs  
6/13/2019  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State of Texas is experiencing both an increase in population and a shift in where the majority of the residents live. As the state's population grows in some areas while declining in others the judicial needs of the various regions change. These shifting demographics can significantly impact the caseload of the existing courts. Historically, the Texas legislature has compensated for changes in population by establishing new courts or changing existing judicial boundaries. Several factors are analyzed in the evaluation process, including increased caseloads, case backlogs, substantial population growth, and county support. In order to ensure that the creation of new courts and the modification of judicial jurisdictions is conducted in an orderly manner, S.B. 891 consolidates these changes into a single omnibus bill. (Original Author's/Sponsor's Statement of Intent)

S.B. 891 amends current law relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government, increases and imposes fees, and creates a criminal offense.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Judicial Branch Certification Commission in SECTION 7.09 (Sections 154.1011 and 154.1012, Government Code), SECTION 7.14 (Section 154.108, Government Code), and SECTION 7.16 (Section 154.111, Government Code) of this bill.

Rulemaking authority is expressly granted to the Supreme Court of Texas (supreme court) in SECTION 9.03 (Section 72.034, Government Code) and SECTION 10.04 (Section 17.033, Civil Practice and Remedies Code) of this bill.

Rulemaking authority previously granted to the supreme court is modified in SECTION 7.02 (Section 51.017, Civil Practice and Remedies Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

#### ARTICLE 1. DISTRICT COURTS.

SECTION 1.01. Amends Section 24.104(b), Government Code, to provide that the terms of the 4th District Court begin on the first Mondays of January and July, rather than on the first Mondays in January, March, May, July, September, and November.

SECTION 1.02. (a) Amends the heading to Section 24.124, Government Code, to read as follows:

Sec. 24.124. 23RD JUDICIAL DISTRICT (MATAGORDA AND WHARTON COUNTIES).

(b) Amends Sections 24.124(a) and (b), Government Code, as follows:

(a) Deletes existing text including Brazoria County in the 23rd Judicial District.

(b) Makes a conforming change by deleting existing text in Subdivision (1) (relating to the beginning for terms in Brazoria County) and renumbers subsequent subdivisions accordingly.

(c) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6005, as follows:

Sec. 24.6005. 461ST JUDICIAL DISTRICT (BRAZORIA COUNTY). (a) Provides that the 461st Judicial District is composed of Brazoria County.

(b) Requires the 461st District Court to give preference to family law matters.

(d) Requires the local administrative district judge to transfer to the 461st District Court all cases from Brazoria County that are pending in the 23rd District Court on the effective date of this Act.

(e) Provides that when a case is transferred as provided by Subsection (d) of this section all processes, writs, bonds, recognizances, or other obligations issued from the 23rd District Court are returnable to the 461st District Court as if originally issued by that court, and the obligees on all bonds and recognizances taken in and for the 23rd District Court and all witnesses summoned to appear in the 23rd District Court are required to appear before the 461st District Court as if originally required to appear before that court.

(f) Provides that the 461st Judicial District is created on September 1, 2019.

SECTION 1.03. (a) Amends Section 24.140, Government Code, as follows:

Sec. 24.140. New heading: 38TH JUDICIAL DISTRICT (REAL AND UVALDE COUNTIES). Deletes existing text including Medina County in the 38th Judicial District. Deletes the designation of Subsection (a). Deletes Subsection (b) and existing text providing the starting dates for the terms of the 38th District Court.

(b) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.598, as follows:

Sec. 24.598. 454TH JUDICIAL DISTRICT (MEDINA COUNTY). Provides that the 454th Judicial District is composed of Medina County.

(c) Requires the local administrative district judge to transfer to the 454th District Court all cases from Medina County that are pending in the 38th District Court on the effective date of this Act.

(d) Provides that when a case is transferred as provided by Subsection (c) of this section all processes, writs, bonds, recognizances, or other obligations issued from the 38th District Court are returnable to the 454th District Court as if originally issued by that court, and the obligees on all bonds and recognizances taken in and for the 38th District Court and all witnesses summoned to appear in the 38th District Court are required to appear before the 454th District Court as if originally required to appear before that court.

(e) Provides that the 454th Judicial District is created on September 1, 2019.

SECTION 1.04. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.599, effective October 1, 2020, as follows:

Sec. 24.599. 455th JUDICIAL DISTRICT (TRAVIS COUNTY). (a) Provides that the 455th Judicial District is composed of Travis County.

(b) Requires the 455th District Court to give preference to civil and family law matters.

(b) Provides that the 455th Judicial District is created on October 1, 2020.

SECTION 1.05. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.600, effective January 1, 2021, as follows:

Sec. 24.600. 456TH JUDICIAL DISTRICT (GUADALUPE COUNTY). (a) Provides that the 456th Judicial District is composed of Guadalupe County.

(b) Requires the 456th District Court to give preference to civil cases.

(b) Provides that the 456th Judicial District is created on January 1, 2021.

SECTION 1.06. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.6001, as follows:

Sec. 24.6001. 457TH JUDICIAL DISTRICT (MONTGOMERY COUNTY). Provides that the 457th Judicial District is composed of Montgomery County.

(b) Provides that the 457th Judicial District is created on September 1, 2019.

SECTION 1.07. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60091, effective January 1, 2021, as follows:

Sec. 24.60091. 466TH JUDICIAL DISTRICT (COMAL COUNTY). Provides that the 466th Judicial District is composed of Comal County.

(b) Provides that the 466th Judicial District is created on January 1, 2021.

SECTION 1.08. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Section 24.60092, effective January 1, 2021, as follows:

Sec. 24.60092. 467TH JUDICIAL DISTRICT (DENTON COUNTY). Provides that the 467th Judicial District is composed of Denton County.

(b) Provides that the 467th Judicial District is created on January 1, 2021.

SECTION 1.09. (a) Amends Subchapter C, Chapter 24, Government Code, by adding Sections 24.60093 and 24.60094, as follows:

Sec. 24.60093. 468TH JUDICIAL DISTRICT (COLLIN COUNTY). (a) Provides that the 468th Judicial District is composed of Collin County.

(b) Requires the 468th Judicial District to give preference to family law matters.

Sec. 24.60094. 471ST JUDICIAL DISTRICT (COLLIN COUNTY). (a) Provides that the 471st Judicial District is composed of Collin County.

(b) Requires the 471st Judicial District to give preference to civil matters.

(b) Provides that the 468th Judicial District is created on September 1, 2019.

(c) Provides that the 471st Judicial District is created on September 1, 2019.

## ARTICLE 2. STATUTORY COUNTY COURTS

SECTION 2.01. (a) Amends Section 25.0202, Government Code, by amending Subsection (a) and adding Subsection (g), as follows:

(a) Provides that a county court at law in Bosque County, in addition to the jurisdiction provided by Section 25.0003 (Jurisdiction) and other law, has concurrent jurisdiction with the district court in:

(1) makes no changes to this subdivision;

(2) and (3) makes nonsubstantive changes to these subdivisions;  
and

(4) felony cases transferred from the district court to conduct arraignments, pretrial hearings, and motions to adjudicate or revoke and to accept guilty pleas.

(g) Authorizes the judge of a county court at law and the district judge, in matters of concurrent jurisdiction, including transferred felony proceedings, to exchange benches, transfer cases, assign each other to hear cases in accordance with orders signed and approved by the judges, and otherwise manage their respective dockets under local administrative rules.

(b) Makes application of Section 25.0202, Government Code, as amended by this Act, prospective.

SECTION 2.02. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.0381 and 25.0382, effective January 1, 2021, as follows:

Sec. 25.0381. CHAMBERS COUNTY. Provides that Chambers County has one statutory county court, the County Court at Law of Chambers County.

Sec. 25.0382. CHAMBERS COUNTY COURT AT LAW PROVISIONS. (a) Provides that, in addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Chambers County has concurrent jurisdiction with the district court in:

(1) arraignments, pleas, and pretrial motions for felony cases; and

(2) family law cases and proceedings.

(b) Authorizes the judge of a county court at law and a judge of a district court in Chambers County, in matters of concurrent jurisdiction, to transfer cases between the courts in the same manner that judges of district courts are authorized to transfer cases under Section 24.003 (Transfer of Cases; Exchange of Benches).

(c) Requires the judge of a county court at law to be paid an annual salary in an amount at least equal to the amount that is \$1,000 less than the total annual salary, including supplements, received by a district judge in the county. Requires the salary to be paid out of the county treasury on order of the commissioners court.

(d) Entitles the judge of a county court at law to travel expenses and necessary office expenses, including administrative and clerical help, in the same manner as a district judge in the county.

(e) Provides that the district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court other than misdemeanor cases and probate matters and proceedings. Provides that the county clerk serves as clerk for all other cases. Requires each clerk to establish a separate docket for a county court at law. Authorizes the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(f) Requires a jury, if a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, to be composed of 12 members. Requires the jury, in all other cases, to be composed of six members.

(g) Authorizes the judge of a county court at law, instead of appointing an official court reporter, to contract for the services of a court reporter under guidelines established by the commissioners court.

(h) Provides that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Authorizes jurors regularly impaneled for a week by the district court to, on a request of a judge of the county court at law, be made available and requires the jurors to serve for the week in a county court at law.

(i) Provides that a county court at law has the same terms of court as a district court in Chambers County.

(b) Provides that the County Court at Law of Chambers County is created on January 1, 2021.

SECTION 2.03. (a) Amends Section 25.0481, Government Code, as follows:

Sec. 25.0481. COMAL COUNTY. Provides that Comal County has the following statutory county courts:

(1) and (2) makes nonsubstantive changes to these subdivisions;  
and

(3) County Court at Law No. 3 of Comal County.

(b) Provides that the County Court at Law No. 3 of Comal County is created on September 1, 2019.

SECTION 2.04. Amends Section 25.0512, Government Code, by adding Subsections (a) and (b), as follows:

(a) Provides that a county court at law in Cooke County, in addition to the jurisdiction provided by Section 25.0003 and other law, has concurrent jurisdiction with the district court in family law cases and proceedings.

(b) Provides that the district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases and proceedings.

SECTION 2.05. (a) Amends Section 25.0721, Government Code, effective January 1, 2021, as follows:

Sec. 25.0721. ELLIS COUNTY. Makes a nonsubstantive change to Subdivision (1). Provides that Ellis County has the following statutory courts:

(1) the County Court at Law No. 1 of Ellis County, rather than the County Court at Law of Ellis County;

(2) makes a nonsubstantive change to this subdivision; and

(3) the County Court at Law No. 3 of Ellis County.

(b) Provides that the County Court at Law No. 3 of Ellis County is created on January 1, 2021.

SECTION 2.06. (a) Amends Subchapter C, Chapter 25, Government Code, by adding Sections 25.0881 and 25.0882, effective October 1, 2019, as follows:

Sec. 25.0881. GILLESPIE COUNTY. Provides that Gillespie County has one statutory county court, the County Court at Law of Gillespie County.

Sec. 25.0882. GILLESPIE COUNTY COURT AT LAW PROVISIONS. (a) Provides that a county court at law in Gillespie County, in addition to the jurisdiction provided by Section 25.0003 and other law, has concurrent jurisdiction with the district court in family law cases and proceedings and juvenile law cases and proceedings.

(b) Provides that the district clerk serves as clerk of a county court at law for family cases and proceedings and the county clerk serves as clerk for all other cases. Authorizes the commissioners court to employ as many deputy sheriffs and bailiffs as are necessary to serve the court.

(c) Requires a jury, if a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, to be composed of 12 members. Requires the jury, in all other cases, to be composed of six members.

(b) Provides that the County Court at Law of Gillespie County is created on October 1, 2019.

SECTION 2.07. (a) Amends Section 25.1101(a), Government Code, as follows:

(a) Provides that Hidalgo County is composed of the following statutory county courts:

(1)–(5) makes no changes to these subdivisions;

(6) and (7) makes nonsubstantive changes to these subdivisions;

(8) County Court at Law No. 9 of Hidalgo County; and

(9) County Court at Law No. 10 of Hidalgo County.

(b) Provides that the County Court at Law No. 9 of Hidalgo County and County Court at Law No. 10 of Hidalgo County are created on September 1, 2019.

SECTION 2.08. (a) Amends Section 25.1312, Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that a statutory county court in Kaufman County has, in addition to certain other jurisdiction, except as limited by Subsection (b) (relating to providing that a statutory county court in Kaufman County does not have certain jurisdiction), rather than except as limited by Subsections (b) and (b-1) (relating to providing that the County Court at Law No. 2 of Kaufman County does not have jurisdiction of civil cases in which the amount in controversy exceeds a certain amount), the jurisdiction provided by the constitution and general law for district courts.

(d) Requires a jury to be composed of 12 members in civil cases in which the amount in controversy is \$200,000 or more, family law cases and proceedings, and felony cases.

(b) Makes application of Section 25.1312, Government Code, as amended by this Act, prospective.

SECTION 2.09. (a) Amends Section 25.1481, Government Code, as follows:

Sec. 25.1481. LIBERTY COUNTY. (a) Provides that Liberty County has the following statutory county courts, rather than one statutory county court:

(1) creates this subdivision from existing text and makes nonsubstantive changes; and

(2) the County Court at Law No. 2 of Liberty County.

(b) Makes conforming changes to this subsection.

(b) Provides that the County Court at Law No. 2 of Liberty County is created on September 1, 2019.

SECTION 2.10. Amends Section 25.1902, Government Code, by adding Subsection (b-1), as follows:

(b-1) Provides that the County Court at Law No. 1 of Potter County, in addition to the jurisdiction provided by Subsections (a) (relating to providing that, in addition to certain other jurisdiction, a county court at law in Potter County has concurrent jurisdiction with the justice courts in civil matters prescribed by law for justice courts) and (b) (relating to providing that a county court at law in Potter County has concurrent jurisdiction with the district court in family law cases and proceedings), has concurrent jurisdiction with the district court in felony cases to conduct arraignments, conduct pretrial hearings, and accept pleas in uncontested matters.

SECTION 2.11. Amends Section 25.1972, Government Code, by amending Subsections (a), (e), and (g) and adding Subsections (b) and (f), as follows:

(a) Creates Subsection (a)(1) from existing text. Provides that a county court at law in Reeves County, in addition to certain other jurisdiction, and except as limited by Subsection (b), has:

(1) concurrent jurisdiction with the district court, rather than concurrent jurisdiction with the district court in family law cases and proceedings:

(A) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

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

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

(D) in proceedings under Title 3 (Juvenile Justice Code), Family Code; and

(E) in any proceeding involving an order relating to a child in the possession or custody of the Department of Family and Protective

Services or for whom the court has appointed a temporary or permanent managing conservator;

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under Chapter 462 (Treatment of Persons With Chemical Dependencies), Health and Safety Code and Subtitles C (Texas Mental Health Code) and D (Persons With an Intellectual Disability Act), Title 7, Health and Safety Code;

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

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054 (Judges Subject to Assignment), 74.059 (Powers and Duties), and 74.094 (Hearing Cases).

(b) Provides that a county court at law does not have jurisdiction of:

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

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059;

(3) contested elections; or

(4) except as provided by Subsections (a)(1)(D) and (E), family law cases.

(e) Requires a judge of a county court at law in Reeves County to be paid an annual salary equal to the amount that is \$1,000 less than the salary paid by the state to a district judge in the county, rather than requiring the judge of a county court at law to be paid an annual salary that does not exceed 90 percent of the total salary paid the district judge. Requires the salary to be paid in the same manner and from the same fund as prescribed by law for the county judge, rather than paid out of the county treasury on order of the commissioners court. Deletes existing text entitling the judge to travel expenses and necessary office expenses, including administrative and clerical assistance.

(f) Prohibits a county court at law from issuing writs of habeas corpus in felony cases.

(g) Provides that the district clerk serves as clerk of a county court at law in the cases described by Subsection (a), rather than in family law cases and proceedings, and the county clerk serves as clerk of the court in all other matters.

SECTION 2.12. (a) Amends Section 25.2011, Government Code, as follows:

Sec. 25.2011. ROCKWALL COUNTY. Provides that Rockwall County has the following statutory county courts, rather than one statutory county court:

(1) creates this subdivision from existing text and includes the County Court at Law No. 1 of Rockwall County, rather than the County Court at Law of Rockwall County; and

(2) the County Court at Law No. 2 of Rockwall County.

(b) Amends Sections 25.2012(c), (g), and (h), Government Code, to make conforming changes.

(c) Provides that the County Court at Law No. 2 of Rockwall County is created on September 1, 2019.

## ARTICLE 3. MUNICIPAL COURTS

SECTION 3.01. (a) Amends Section 30.00044(l), Government Code, as follows:

(l) Provides that Sections 30.00007(b)(5) (relating to requiring the presiding judge in certain municipalities to supervise and control the operation and clerical functions of the administrative department of each court, including the court's personnel, during the proceedings of the court) and 30.00009(c) (relating to providing that the clerk and other court personnel perform their duties under the direction and control of the presiding judge) and (d) (relating to requiring the governing body of a municipality to by ordinance provide for the hiring, direction, supervision, and removal of the personnel authorized in the annual budget for the clerk's office) do not apply, rather than providing that Section 30.00007(b)(5) does not apply, to this subchapter (Lubbock).

(b) Provides that Section 30.00044(l), Government Code, as amended by this section, applies to a clerk and other court personnel of the municipal court of record of the City of Lubbock employed on or after the effective date of this Act, regardless of whether the clerk or other personnel began employment before, on, or after the effective date of this Act.

## ARTICLE 4. SENIOR DISTRICT JUDGES

SECTION 4.01. Amends Section 832.101, Government Code, as follows:

Sec. 832.101. INELIGIBILITY FOR MEMBERSHIP. Prohibits a retiree who makes an election under Subchapter C (Administrative Judicial Regions) of Chapter 74 from rejoining the Judicial Retirement System of Texas Plan One (JRS One) or receiving credit in JRS One for the period of an appointment or for any service performed under assignment. Deletes existing text including a retiree who is appointed under Subchapter C (Senior District Judges For the First Administrative Judicial Region) of Chapter 75 in that prohibition.

SECTION 4.02. Amends Section 836.006, Government Code, as follows:

Sec. 836.006. DIVERSION OF MONEY PROHIBITED. Provides that, except as provided by Section 840.305(c) (relating to authorizing the Judicial Retirement System of Texas Plan Two (JRS Two) to transfer assets from one account, except from one member's individual account to another's, to another to pay benefits and administrative expenses as needed), rather than Sections 840.101(b) and 840.305(c), no part of the money contributed to JRS Two under Section 840.102 (Collection of Member Contributions), rather than under Sections 840.102 or 840.104 (Collection of Contributions For Senior District Court Judges), and no part of the contribution described by Section 840.103(b)(2) (relating to requiring JRS Two to certify to the Legislative Budget Board and to the budget division of the Office of the Governor for review an estimate of the amount necessary to pay a certain part of state's contribution for the following biennium), is authorized be used for or diverted to any purpose other than the exclusive benefit of members, their beneficiaries, and annuitants of JRS Two.

SECTION 4.03. Amends Section 837.101, Government Code, as follows:

Sec. 837.101. JUDICIAL ASSIGNMENT. Prohibits a retiree who makes an election under Subchapter C of Chapter 74 from rejoining or receiving credit in JRS Two for the period of an appointment or for any service performed under assignment. Deletes existing text including a retiree who is appointed under Subchapter C of Chapter 75 in that prohibition.

## ARTICLE 5. MASTERS AND MAGISTRATES

SECTION 5.01. Amends Article 2.09, Code of Criminal Procedure, as follows:

Art. 2.09. WHO ARE MAGISTRATES. Provides that certain officers are magistrates within the meaning of the this code, including the magistrates appointed by the El Paso Council of Judges, the magistrates appointed by the Collin County Commissioners Court, the magistrates appointed by the Fort Bend County Commissioners Court, and magistrates appointed under Subchapter JJ (Magistrates in Certain Counties), Chapter 54, Government Code, rather than under Subchapter JJ, Chapter 54, Government Code, as added by H.B. No. 2132, Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 5.02. Amends Article 4.01, Code of Criminal Procedure, as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. Provides that certain courts have jurisdiction in criminal actions, including the magistrates appointed by the El Paso Council of Judges. Makes nonsubstantive changes to this section.

SECTION 5.03. Amends Chapter 54, Government Code, by adding Subchapter B, as follows:

#### SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS

Sec. 54.101. APPOINTMENT. (a) Authorizes the Commissioners Court of Bell County to select masters to serve the justice courts of Bell County having jurisdiction in truancy matters.

(b) Requires the commissioners court to establish the minimum qualifications, salary, benefits, and other compensation of each master position and requires the commissioners court to determine whether the position is full-time or part-time.

(c) Provides that a master appointed under this section serves at the pleasure of the commissioners court.

Sec. 54.102. JURISDICTION. Provides that a master appointed under this subchapter has concurrent jurisdiction with the judges of the justice of the peace courts of Bell County over cases involving truant conduct in accordance with Section 65.004, Family Code.

Sec. 54.103. POWERS AND DUTIES. (a) Requires the Commissioners Court of Bell County to establish the powers and duties of a master appointed under this subchapter.

(b) Authorizes an order of referral to limit the use or power of a master.

(c) Authorizes a master, unless limited by published local rule, by written order, or by an order of referral, to perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.

(d) Authorizes a master to administer oaths.

Sec. 54.104. JUDICIAL IMMUNITY. Provides that a master has the same judicial immunity as a district judge.

Sec. 54.105. TRAINING. Requires a master appointed under this subchapter to successfully complete all training a justice of the peace is required to complete under state law.

Sec. 54.106. FAILURE TO COMPLY WITH SUMMONS OR ORDER. Authorizes a master, if an attorney, party, witness, or any other person fails to comply with a summons or order, to certify that failure in writing to the referring court for appropriate action.

Sec. 54.107. WITNESSES. (a) Provides that a witness appearing before a master is subject to the penalties of perjury as provided by Chapter 37 (Perjury and Other Falsification), Penal Code.

(b) Provides that a witness referred to the court under Section 54.106 is subject to the same penalties and orders that are authorized to be imposed on a witness appearing in a hearing before the court.

SECTION 5.04. Amends Chapter 54, Government Code, by adding Subchapter MM, as follows:

SUBCHAPTER MM. MAGISTRATES IN COLLIN COUNTY

Sec. 54.2201. AUTHORIZATION; APPOINTMENT; TERMINATION; ELIMINATION. (a) Authorizes the Commissioners Court of Collin County by majority vote to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) Requires an order appointing a magistrate to be signed by the county judge of Collin County, and to state the magistrate's name and the date the magistrate's employment begins.

(c) Authorizes a magistrate to be terminated by a majority vote of the Commissioners Court of Collin County.

(d) Authorizes an authorized magistrate's position to be eliminated on a majority vote of the Commissioners Court of Collin County.

Sec. 54.2202. QUALIFICATIONS; OATH OF OFFICE. (a) Requires a person, to be eligible for appointment as a magistrate, to be a citizen of the United States, have resided in Collin County for at least the four years preceding the person's appointment, and have been licensed to practice law in this state for at least four years.

(b) Requires a magistrate appointed under Section 54.2201 to take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2203. COMPENSATION. Entitles a magistrate to the compensation set by the Commissioners Court of Collin County. Requires the compensation to be paid from the general fund of the county.

Sec. 54.2204. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.2205. PROCEEDING THAT MAY BE REFERRED. (a) Authorizes the judge of a district court or county court at law or a justice of the peace to refer to a magistrate any case or matter relating to a case for proceedings involving:

(1) a negotiated plea of guilty or no contest and sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55 (Expunction of Criminal Records), Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59 (Forfeiture of Contraband), Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1 (Order of Nondisclosure of Criminal History Record Information), Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition;

(14) selection of a jury; and

(15) any other matter the judge or justice of the peace considers necessary and proper.

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

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

(d) Authorizes a magistrate, if the magistrate is acting as an associate judge under Section 54.2216, to hear any case referred under Section 54A.106 (Cases That May be Referred).

(e) Prohibits a magistrate from presiding over a criminal trial on the merits, regardless of whether the trial is before a jury.

(f) Prohibits a magistrate from hearing any jury trial on the merits.

Sec. 54.2206. ORDER OF REFERRAL. (a) Requires a judge or justice of the peace, to refer one or more cases to a magistrate, to issue an order of referral specifying the magistrate's duties.

(b) Authorizes an order of referral to:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate is required to preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2207. POWERS. (a) Authorizes a magistrate to whom a case is referred, except as limited by an order of referral, to:

- (1) conduct hearings;
- (2) hear evidence;
- (3) compel production of relevant evidence in civil or criminal matters;
- (4) rule on disputes regarding civil discovery;
- (5) rule on admissibility of evidence;
- (6) issue summons for the appearance of witnesses;
- (7) examine witnesses;
- (8) swear witnesses for hearings;
- (9) make findings of fact on evidence;
- (10) formulate conclusions of law;
- (11) rule on a pretrial motion;
- (12) recommend the rulings, orders, or judgment to be made in a case;
- (13) regulate proceedings in a hearing;
- (14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;
- (15) select a jury;
- (16) accept a negotiated plea on a probation revocation;
- (17) conduct a contested probation revocation hearing;
- (18) sign a dismissal in a misdemeanor case;
- (19) enter an order of dismissal or non-suit on agreement of the parties in a civil case;
- (20) in any case referred under Section 54.2205(a)(1), accept a negotiated plea of guilty or no contest and:
  - (A) enter a finding of guilt and impose or suspend the sentence; or
  - (B) defer adjudication of guilt;
- (21) conduct initial juvenile detention hearings if approved by the juvenile board of Collin County; and
- (22) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

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

(c) Provides that a magistrate, except as provided by Sections 54.2205(e) and (f), has all of the powers of a magistrate under the laws of this state and is authorized to administer an oath for any purpose.

Sec. 54.2208. FORFEITURES. Authorizes bail bonds and personal bonds to be forfeited by the magistrate court in the manner provided by Chapter 22 (Forfeiture of Bail), Code of Criminal Procedure, and requires those forfeitures to be filed with:

(1) the district clerk if associated with a felony case;

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Sec. 54.2209. COSTS. (a) Requires the district clerk, when the district clerk is the clerk under this subchapter, to charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts.

(b) Requires the county clerk, when the county clerk is the clerk under this subchapter, to charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

(c) Requires the justice clerk, when a justice clerk is the clerk under this subchapter, to charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the justice courts.

Sec. 54.2210. CLERK. (a) Provides that the district clerk serves as clerk of the magistrate court, except that:

(1) after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) Requires the district clerk to establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. Requires the district clerk to perform any other duties that local administrative rules require in connection with the implementation of this subchapter. Requires the local administrative judge to ensure that the duties required under this subsection are performed. Authorizes the district clerk and the deputies of the district clerk, to facilitate the duties associated with serving as the clerk of the magistrate court, to serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

(c) Requires the clerk of the case to include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Sec. 54.2211. COURT REPORTER. Requires the court, at the request of a party, to provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2212. WITNESS. (a) Provides that a witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

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

Sec. 54.2213. PAPERS TRANSMITTED TO JUDGE. Requires a magistrate, at the conclusion of the proceedings, to transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2214. COSTS OF MAGISTRATE. Requires the court to determine if the nonprevailing party is able to defray the costs of the magistrate. Requires the court, if the court determines the nonprevailing party is able to pay those costs, to assess the magistrate's costs against the nonprevailing party.

Sec. 54.2215. JUDICIAL ACTION. (a) Authorizes a referring court to modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

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

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

Sec. 54.2216. MAGISTRATE AS ASSOCIATE JUDGE. Authorizes a magistrate appointed under this subchapter to act as a civil associate judge under Subchapter B (Civil Associate Judges), Chapter 54A. Requires a magistrate acting as an associate judge, to the extent of any conflict with this subchapter, to comply with provisions regarding the appointment, termination, referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.

SECTION 5.05. Amends Chapter 54, Government Code, by adding Subchapter NN, as follows:

#### SUBCHAPTER NN. MAGISTRATES IN KERR COUNTY

Sec. 54.2301. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) Authorizes the Commissioners Court of Kerr County to authorize the judges of the district and statutory county courts in Kerr County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) Authorizes the judges of the district and statutory county courts in Kerr County by a unanimous vote to appoint magistrates as authorized by the Commissioners Court of Kerr County.

(c) Requires an order appointing a magistrate to be signed by the local presiding judge of the district courts serving Kerr County to state the magistrate's name and the date the magistrate's employment is to begin.

(d) Authorizes an authorized magistrate's position to be eliminated on a majority vote of the Commissioners Court of Kerr County.

Sec. 54.2302. QUALIFICATIONS; OATH OF OFFICE. (a) Requires a person, to be eligible for appointment as a magistrate, to be a citizen of the United States, to have resided in Kerr County for at least the two years preceding the person's appointment, and be at least 30 years of age.

(b) Requires a magistrate appointed under Section 54.2101 to take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2303. COMPENSATION. (a) Entitles a magistrate to the salary determined by the Commissioners Court of Kerr County.

(b) Prohibits a full-time magistrate's salary from being less than that of a justice of the peace in Kerr County as established by the annual budget of Kerr County.

(c) Provides that a part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. Provides that the per-hour salary is determined by dividing the annual salary by a 2,000 work-hour year. Requires the local administrative judge of the district courts serving Kerr County to approve the number of hours for which a part-time magistrate is to be paid.

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

Sec. 54.2304. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.2305. TERMINATION OF EMPLOYMENT. (a) Authorizes a magistrate to be terminated by a majority vote of all the judges of the district and statutory county courts of Kerr County.

(b) Requires the local administrative judge of the district courts serving Kerr county, to terminate a magistrate's employment, to sign a written order of termination. Requires the order to state the magistrate's name and the final date of the magistrate's employment.

Sec. 54.2306. JURISDICTION; RESPONSIBILITY; POWERS. (a) Requires the judges of the district or statutory county courts to establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) Provides that, to the extent authorized by this subchapter and the standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

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

(d) Requires a magistrate to give preference to performing the duties of a magistrate under Article 15.17 (Duties of Arresting Officer and Magistrate), Code of Criminal Procedure.

(e) Authorizes a magistrate to:

(1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;

(5) issue emergency protective orders;

(6) order emergency mental commitments; and

(7) conduct initial juvenile detention hearings if approved by the Kerr County Juvenile Board.

(f) Authorizes a magistrate, with the express authorization of a justice of the peace, to exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) Authorizes a magistrate to:

(1) issue notices of the setting of a case for a hearing;

(2) conduct hearings;

(3) compel production of evidence;

(4) hear evidence;

(5) issue summons for the appearance of witnesses;

(6) swear witnesses for hearings;

(7) regulate proceedings in a hearing; and

(8) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the magistrate's jurisdiction and authority.

Sec. 54.2307. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. Requires the Commissioners Court of Kerr County to provide personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter (Masters; Magistrates; Referees; Associate Judges) and sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

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

#### SUBCHAPTER OO. MAGISTRATES IN FORT BEND COUNTY

Sec. 54.2401. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) Authorizes the Commissioners Court of Fort Bend County to authorize the judges of the district and statutory county courts in Fort Bend County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) Authorizes the judges of the district and statutory county courts in Fort Bend County by a unanimous vote to appoint magistrates as authorized by the Commissioners Court of Fort Bend County.

(c) Requires an order appointing a magistrate to be signed by the local administrative judge and to state the magistrate's name and the date the magistrate's employment is to begin.

(d) Authorizes an authorized magistrate's position to be eliminated on a majority vote of the Commissioners Court of Fort Bend County.

Sec. 54.2402. QUALIFICATIONS; OATH OF OFFICE. (a) Requires a person, to be eligible for appointment as a magistrate, to be a citizen of the United States, have resided in Fort Bend County for at least the four years preceding the person's appointment, and have been licensed to practice law in this state for at least four years.

(b) Requires a magistrate appointed under Section 54.2401 to take the constitutional oath of office required of appointed officers of this state.

Sec. 54.2403. COMPENSATION. Entitles a magistrate to the compensation set by the Commissioners Court of Fort Bend County. Requires the compensation to be paid from the general fund of the county.

Sec. 54.2404. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.2405. PROCEEDING THAT MAY BE REFERRED. (a) Authorizes the judge of a district court or county court at law or a justice of the peace to refer to a magistrate any case or matter relating to a case for proceedings involving:

- (1) a negotiated plea of guilty or no contest and sentencing before the court;
- (2) a bond forfeiture, remittitur, and related proceedings;
- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;
- (7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;
- (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
- (9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;
- (10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;
- (11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
- (12) specialty court proceedings;
- (13) a waiver of extradition;
- (14) selection of a jury; and
- (15) any other matter the judge or justice of the peace considers necessary and proper.

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

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

(d) Authorizes a magistrate, if the magistrate is acting as an associate judge under Section 54.2416, to hear any case referred under Section 54A.106.

(e) Prohibits a magistrate from presiding over a criminal trial on the merits, regardless of whether the trial is before a jury.

(f) Prohibits a magistrate from hearing any jury trial on the merits.

Sec. 54.2406. ORDER OF REFERRAL. (a) Requires a judge or justice of the peace, to refer one or more cases to a magistrate, to issue an order of referral specifying the magistrate's duties.

(b) Authorizes an order of referral to:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate is required to preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2407. POWERS. (a) Authorizes a magistrate to whom a case is referred, except as limited by an order of referral, to:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence in civil or criminal matters;

(4) rule on disputes regarding civil discovery;

(5) rule on admissibility of evidence;

(6) issue summons for the appearance of witnesses;

(7) examine witnesses;

(8) swear witnesses for hearings;

(9) make findings of fact on evidence;

(10) formulate conclusions of law;

(11) rule on a pretrial motion;

(12) recommend the rulings, orders, or judgment to be made in a case;

- (13) regulate proceedings in a hearing;
- (14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;
- (15) select a jury;
- (16) accept a negotiated plea on a probation revocation;
- (17) conduct a contested probation revocation hearing;
- (18) sign a dismissal in a misdemeanor case;
- (19) enter an order of dismissal or non-suit on agreement of the parties in a civil case;
- (20) in any case referred under Section 54.2405(a)(1), accept a negotiated plea of guilty or no contest and:
  - (A) enter a finding of guilt and impose or suspend the sentence; or
  - (B) defer adjudication of guilt;
- (21) conduct initial juvenile detention hearings if approved by the juvenile board of Fort Bend County; and
- (22) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

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

(c) Provides that a magistrate, except as provided by Sections 54.2405(e) and (f), has all of the powers of a magistrate under the laws of this state and is authorized to administer an oath for any purpose.

Sec. 54.2408. FORFEITURES. Authorizes bail bonds and personal bonds to be forfeited by the magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and requires those forfeitures to be filed with:

- (1) the district clerk if associated with a felony case;
- (2) the county clerk if associated with a Class A or Class B misdemeanor case; or
- (3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Sec. 54.2409. COSTS. (a) Requires the district clerk, when the district clerk is the clerk under this subchapter, to charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts.

(b) Requires the county clerk, when the county clerk is the clerk under this subchapter, to charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

(c) Requires the justice clerk, when a justice clerk is the clerk under this subchapter, to charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the justice courts.

Sec. 54.2410. CLERK. (a) Provides that the district clerk serves as clerk of the magistrate court, except that:

(1) after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) Requires the district clerk to establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. Requires the district clerk to perform any other duties that local administrative rules require in connection with the implementation of this subchapter. Requires the local administrative judge to ensure that the duties required under this subsection are performed. Authorizes the district clerk and the deputies of the district clerk, to facilitate the duties associated with serving as the clerk of the magistrate court, to serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

(c) Requires the clerk of the case to include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Sec. 54.2411. COURT REPORTER. Requires the court, at the request of a party, to provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2412. WITNESS. (a) Provides that a witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

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

Sec. 54.2413. PAPERS TRANSMITTED TO JUDGE. Requires a magistrate, at the conclusion of the proceedings, to transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2414. COSTS OF MAGISTRATE. Requires the court to determine if the nonprevailing party is able to defray the costs of the magistrate. Requires the court, if the court determines the nonprevailing party is able to pay those costs, to assess the magistrate's costs against the nonprevailing party.

Sec. 54.2415. JUDICIAL ACTION. (a) Authorizes a referring court to modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

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

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

Sec. 54.2416. MAGISTRATE AS ASSOCIATE JUDGE. Authorizes a magistrate appointed under this subchapter to act as a civil associate judge under Subchapter B, Chapter 54A. Requires a magistrate acting as an associate judge, to the extent of any

conflict with this subchapter, to comply with provisions regarding the appointment, termination, referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.

## ARTICLE 6. DISTRICT AND COUNTY ATTORNEYS

SECTION 6.01. Amends Section 43.105(a), Government Code, to provide that the district attorney for the 9th Judicial District also acts as district attorney for the 410th and 457th Judicial Districts, rather than for the 410th Judicial District in Montgomery County.

SECTION 6.02. Amends Section 43.108, Government Code, to delete existing text including the voters of Burleson County among those voters who elect a district attorney for the 21st Judicial District and to make conforming changes.

SECTION 6.03. (a) Amends Section 43.123, Government Code, as follows:

Sec. 43.123. 38TH JUDICIAL DISTRICT. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Provides that the district attorney of the 38th Judicial District also represents the state and performs the duties of the district attorney before the 454th Judicial District. Provides that this section expires January 1, 2021.

(b) Amends Section 44.001, Government Code, effective January 1, 2021, as follows:

Sec. 44.001. ELECTION. Provides that the voters of certain counties elect a criminal district attorney, including Medina County.

(c) Amends Subchapter B, Chapter 44, Government Code, by adding Section 44.263, effective January 1, 2021, as follows:

Sec. 44.263. MEDINA COUNTY. (a) Requires the criminal district attorney of Medina County to meet the following qualifications:

(1) be at least 30 years old;

(2) have been a practicing attorney in this state for at least five years; and

(3) have been a resident of Medina County for at least one year before election or appointment.

(b) Provides that the criminal district attorney has all the powers, duties, and privileges in Medina County that are conferred by law on county and district attorneys in the various counties and districts.

(c) Requires the criminal district attorney to attend each term and session of the district and inferior courts of Medina County, except municipal courts, held for the transaction of criminal business and to exclusively represent the state in all criminal matters before those courts.

(d) Requires the criminal district attorney to represent Medina County in any court in which the county has pending business. Provides that this subsection does not require the criminal district attorney to represent the county in a delinquent tax suit or condemnation proceeding and does not prevent the county from retaining other legal counsel in a civil matter at any time it considers appropriate.

(e) Requires the criminal district attorney to collect the fees, commissions, and perquisites that are provided by law for similar services rendered by a district or county attorney.

(f) Entitles the criminal district attorney to receive in equal monthly installments compensation from the state equal to the amount paid by the state to district attorneys. Requires the state compensation to be paid by the comptroller of public accounts of the State of Texas (comptroller) as appropriated by the legislature. Requires the Commissioners Court of Medina County to pay the criminal district attorney an additional amount so that the total compensation of the criminal district attorney equals at least 90 percent of the total salary paid to the judge of the 454th District Court in Medina County. Requires the compensation paid by the county to be paid in semiweekly or bimonthly installments, as determined by the commissioners court.

(g) Authorizes the criminal district attorney or the Commissioners Court of Medina County to accept gifts and grants from any individual, partnership, corporation, trust, foundation, association, or governmental entity for the purpose of financing or assisting effective prosecution, crime prevention or suppression, rehabilitation of offenders, substance abuse education, treatment and prevention, or crime victim assistance programs in Medina County. Requires the criminal district attorney to account for and report to the commissioners court all gifts or grants accepted under this subsection.

(h) Authorizes the criminal district attorney, for the purpose of conducting affairs of the office, to appoint a staff composed of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel that the commissioners court may authorize. Provides that the salary of a staff member is an amount recommended by the criminal district attorney and approved by the commissioners court. Requires the commissioners court to pay the salaries of the staff in equal semiweekly or bimonthly installments from county funds.

(i) Requires the criminal district attorney to, with the advice and consent of the commissioners court, designate one or more individuals to act as an assistant criminal district attorney with exclusive responsibility for assisting the commissioners court. Requires an individual designated as an assistant criminal district attorney under this subsection to have extensive experience in representing public entities and knowledge of the laws affecting counties, including the open meetings and open records laws under Chapters 551 (Open Meetings) and 552 (Public Information).

(j) Entitles Medina County to receive from the state an amount equal to the amount provided in the General Appropriations Act to district attorneys for the payment of staff salaries and office expenses.

(k) Authorizes the legislature to provide for additional staff members to be paid from state funds if it considers supplementation of the criminal district attorney's staff to be necessary.

(l) Prohibits the criminal district attorney and assistant criminal district attorney from engaging in the private practice of law or receiving a fee for the referral of a case.

(d) Provides that, effective January 1, 2021, the office of county attorney of Medina County is abolished.

(e) Requires the initial vacancy in the office of the criminal district attorney of Medina County, notwithstanding Section 41.010 (Appointment of Initial District or Criminal District Attorney), Government Code, to be filled by election. Provides that the office of the criminal district attorney of Medina County exists for purposes of the primary and general elections in 2020. Requires the qualified voters of Medina County to elect the initial criminal district attorney of Medina County at the general election in 2020 for a four-year term of office.

(f) Provides that the criminal district attorney of Medina County retains all powers, duties, and privileges in Medina County that were previously held by the office of the district attorney of the 38th Judicial District and the office of the county attorney of Medina County, including all powers, duties, and privileges in all pending matters of the county and district attorney and all pending matters before any court.

SECTION 6.04. Amends Subchapter B, Chapter 45, Government Code, by adding Section 45.126, as follows:

Sec. 45.126. BURLESON COUNTY. (a) Requires the county attorney of Burleson County, in Burleson County, to perform the duties imposed on and have the powers conferred on district attorneys by general law and provides that the county attorney of Burleson County is entitled to be compensated by the state in the manner and amount set by general law relating to the salary paid to district attorneys by the state.

SECTION 6.05. Amends Section 46.002, Government Code, effective September 1, 2019, as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. Provides that this chapter (Professional Prosecutors) applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

- (1) the district attorneys for certain counties and judicial districts, including the 24th judicial district;
- (2) makes no changes to this subdivision; and
- (3) the county attorneys performing the duties of district attorneys in certain counties, including Burleson County.

SECTION 6.06. Amends Section 46.002, Government Code, effective January 1, 2021, as follows:

Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. Provides that this chapter applies to the state prosecuting attorney, all county prosecutors, and the following state prosecutors:

- (1) the district attorneys for certain counties and judicial districts, including the 24th judicial district;
- (2) the criminal district attorneys for certain counties, including Medina County; and
- (3) the county attorneys performing the duties of district attorneys in certain counties, including Burleson County.

#### ARTICLE 7. COURT REPORTERS AND BAILIFFS

SECTION 7.01. Amends Section 322.003, Business & Commerce Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Provides that this chapter (Uniform Electronic Transactions Act), except as otherwise provided in Subsections (b) (relating to providing that this chapter does not apply to a transaction to the extent that it is governed by certain other law, including the creation and execution of certain documents or certain sections of the Uniform Commercial Code) and (e), rather than Subsection (b), applies to electronic records and electronic signatures relating to a transaction.

(e) Provides that this chapter does not apply to the transmission, preparation, completion, enforceability, or admissibility of a document in any form that is:

(1) produced by a court reporter appointed under Chapter 52 (Court Reporters and Shorthand Reporting Firms), Government Code, or a court reporter certified under or a shorthand reporting firm registered under Chapter 154 (Court Reporters Certification and Shorthand Reporting Firms Registration), Government Code, for use in the state or federal judicial system; or

(2) governed by rules adopted by the Supreme Court of Texas (supreme court), including rules governing the electronic filing system established by the supreme court.

SECTION 7.02. Amends Subchapter B, Chapter 51, Civil Practice and Remedies Code, by adding Section 51.017, as follows:

Sec. 51.017. SERVICE OF NOTICE ON COURT REPORTER. (a) Requires notice of appeal, including an interlocutory appeal, in addition to the requirements for service of notice of appeal imposed by Rule 25.1(e) (relating to requiring notice of appeal to be served on certain parties in certain judgments or proceedings), Texas Rules of Appellate Procedure, to be served on each court reporter responsible for preparing the reporter's record.

(b) Prohibits the supreme court, notwithstanding Section 22.004 (Rules of Civil Procedure), Government Code, from amending or adopting rules in conflict with this section.

SECTION 7.03. Amends Chapter 52, Government Code, by adding Subchapter B, as follows:

#### SUBCHAPTER B. DUTIES OF SHORTHAND REPORTING FIRMS

Sec. 52.011. PROVISION OF SIGNED CERTIFICATION. Requires a court reporting firm, on request of a court reporter who reported a deposition, to provide the reporter with a copy of the document related to the deposition, known as the further certification, that the reporter has signed or to which the reporter's signature has been applied.

SECTION 7.04. Amends Section 53.002(d), Government Code, to authorize the judges of the 15th, 59th, and 397th district courts, rather than the judges of the 15th and 59th district courts, and certain other judges to appoint a bailiff.

SECTION 7.05. Amends 53.004(c), Government Code, to require a bailiff of the 15th, 59th, or 397th district court or a statutory county court in Grayson County to be a citizen of the United States, rather than requiring a bailiff of the 15th and 59th district court or a statutory county court in Grayson County to be a citizen of the United States and a resident of Grayson County.

SECTION 7.06. Amends Section 53.009(g), Government Code, to entitle each bailiff appointed by a judge of the 15th, 59th, or 397th district court or appointed by a statutory county court judge in Grayson County to receive from the county a salary set by the judge within the budget guidelines established by the Commissioners Court of Grayson County, rather than entitling each bailiff appointed by a judge of the 15th or 59th district court or appointed by a statutory county court judge in Grayson County to receive from the county a salary equal to the salary of a jailer employed by the Grayson County sheriff.

SECTION 7.07. Amends Section 154.001(a), Government Code, by adding Subdivisions (1-a) and (3-a), as follows:

(1-a) Defines "apprentice court reporter."

(3-a) Defines "provisional court reporter."

SECTION 7.08. Amends Sections 154.101(b), (c), and (e), Government Code, as follows:

(b) Prohibits a person from engaging in shorthand reporting in this state unless the person is certified as:

(1) creates this subdivision from existing text and prohibits a person from engaging in shorthand reporting in this state unless the person is certified as a shorthand reporter by the supreme court under this section (Certification of Reporters), rather than by the supreme court; or

(2) an apprentice court reporter or provisional court reporter certified as authorized by Section 154.1011, subject to the terms of the person's certification.

(c) Requires a certification issued under this section, rather than a certification issued under this chapter, to be for one or more of certain methods of shorthand reporting.

(e) Prohibits a person from assuming or using certain titles or designations or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter or provisional court reporter, rather than certified as a shorthand reporter, by the supreme court.

SECTION 7.09. (a) Amends Subchapter C, Chapter 154, Government Code, by adding Sections 154.1011 and 154.1012, as follows:

Sec. 154.1011. APPRENTICE COURT REPORTER AND PROVISIONAL COURT REPORTER CERTIFICATIONS. (a) Authorizes the Judicial Branch Certification Commission (JBCC), subject to Section 152.101 (Rules), by rule to provide for:

(1) the certification of an apprentice court reporter who is authorized to engage in court reporting only:

(A) under the direct supervision of a certified court reporter; and

(B) for the types of legal proceedings authorized by JBCC rule; and

(2) the provisional certification of a court reporter, including a court reporter described by Section 154.1012(f), that allows a person to engage in court reporting only in accordance with the terms and for the period expressly authorized by JBCC rule.

(b) Authorizes rules adopted under Subsection (a) to allow for the issuance of a certification under Section 154.101 to:

(1) a certified apprentice court reporter who satisfactorily completes the apprenticeship and passes Part A of the examination required by Section 154.103 (Examination); or

(2) a court reporter who holds a provisional certification on the reporter's completion of the terms of JBCC's conditional approval.

Sec. 154.1012. RECIPROCITY. (a) Authorizes JBCC to waive any prerequisite to obtaining a court reporter certification for an applicant after reviewing the applicant's credentials and determining the applicant holds a certification or license issued by another jurisdiction that has certification or licensing requirements substantially equivalent to those of this state.

(b) Requires JBCC to develop and periodically update on a schedule established by JBCC a list of states that have certification or licensing requirements for court reporters substantially equivalent to those of this state.

(c) Requires JBCC to certify to the supreme court the name of each qualified applicant who:

(1) holds a certification or license to engage in court reporting issued by another state that, as determined by JBCC:

(A) has certification or licensing requirements to engage in court reporting that are substantially equivalent to the requirements of this state for a court reporter governed by this chapter or Chapter 52; or

(B) is included on the list developed by JBCC under Subsection (b); and

(2) before certification in this state:

(A) passes Part B of the examination required by Section 154.103; and

(B) provides proof acceptable to JBCC that the applicant has been actively performing court reporting in another jurisdiction for at least three of the preceding five years.

(d) Requires a reciprocity agreement approved by the supreme court under Section 152.202(b) to require an applicant who holds a certification or license to engage in court reporting issued by another state and who applies for certification as a court reporter in this state to:

(1) pass Part B of the examination required by Section 154.103;

(2) provide proof acceptable to JBCC that the applicant has been actively performing court reporting in another jurisdiction for at least three of the preceding five years; and

(3) hold a certification or license that JBCC determines is at least equivalent to the registered professional reporter designation or similar designation.

(e) Provides that a person who applies for certification as a court reporter in this state and meets the requirements under Subsection (c) is not required to meet the requirement under Subsection (d)(3).

(f) Authorizes JBCC, subject to Section 152.101, to adopt rules requiring the issuance of a provisional certification under Section 154.1011 to an applicant described by Subsection (c) or (d) that authorizes the applicant to serve as a court reporter in this state for a limited time and under conditions JBCC considers reasonably necessary to protect the public interest.

(b) Requires JBCC, in developing rules under Section 154.1011, Government Code, as added by this section, to:

(1) establish a stakeholder work group to receive input; and

(2) solicit comments from the Texas Court Reporters Association, the Texas Deposition Reporters Association, court reporting schools, and other interested parties.

(c) Requires JBCC, not later than June 1, 2020, to develop the list required by Section 154.1012(b), Government Code, as added by this section.

(d) Requires JBCC, not later than January 1, 2020, to communicate with the appropriate regulatory officials in each state to inquire whether the state desires to enter into a reciprocity agreement with this state as authorized by Section 152.202(b), Government Code. Requires JBCC, not later than April 1, 2020, to submit a report on the results of the inquiry to the supreme court or the supreme court's designee.

SECTION 7.10. Amends Section 154.102, Government Code, to provide that the requirement that a person seeking certification file an application for examination with JBC not later than a certain date applies if applicable.

SECTION 7.11. Amends Section 154.104, Government Code, as follows:

Sec. 154.104. CERTIFICATION TO SUPREME COURT. (a) Creates this subsection from existing text and requires JBCC to certify to the supreme court the name of each qualified applicant for certification under Section 154.101, rather than the name of each qualified applicant, who has passed the examination.

(b) Requires JBCC to certify to the supreme court the name of each applicant who meets the qualifications for certification as an apprentice court reporter or a provisional court reporter.

SECTION 7.12. Amends Section 154.105(a), Government Code, as follows:

(a) Authorizes a shorthand reporter, on certification under Section 154.101 or as a provisional court reporter, rather than on certification, to use the title "Certified Shorthand Reporter" or the abbreviation "CSR."

SECTION 7.13. Amends Section 154.107, Government Code, by adding Subsection (d), as follows:

(d) Requires a shorthand reporting firm, notwithstanding Section 152.2015 (Certification, Registration, and Licensing Fee and Renewal) and Subsection (c) of this section, to pay a registration or renewal fee in an amount equal to the fee for court reporter certification under Section 154.101 in lieu of the fee required for a shorthand reporting firm registration if a certified court reporter of the firm:

(1) has an ownership interest in the firm of more than 50 percent; and

(2) maintains actual control of the firm.

SECTION 7.14. Amends Subchapter C, Chapter 154, Government Code, by adding Section 154.108, as follows:

Sec. 154.108. CONTINUING EDUCATION. Requires JBCC, subject to Section 152.101, by rule to require each court reporter who holds a certification issued by JBCC

and at least one person who has management responsibility for a shorthand reporting firm registered in this state to complete continuing professional education.

SECTION 7.15. Amends Section 154.110(a), Government Code, to delete existing text requiring JBCC, after receiving a complaint and giving the certified shorthand reporter notice and an opportunity for a certain hearing, to revoke, suspend, or refuse to renew the shorthand reporter's certification or issue a reprimand to the reporter for other sufficient cause and to make nonsubstantive changes

SECTION 7.16. (a) Amends Section 154.111, Government Code, by amending Subsections (a) and (b) and adding Subsection (g), as follows:

(a) Requires JBCC, after receiving a complaint and giving the shorthand reporting firm notice and an opportunity for a certain hearing, to reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew the registration of a shorthand reporting firm or affiliate office for:

(1)–(8) makes no changes to these subdivisions;

(9) unprofessional conduct, including:

(A) creates this paragraph from existing text and includes giving directly or indirectly or benefiting from or being employed as a result of, rather than a pattern of giving directly or indirectly or benefitting from or being employed as a result of, giving any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year; or

(B) repeatedly committing to provide at a specific time and location court reporting services for an attorney in connection with a legal proceeding and unreasonably failing to fulfill the commitment under the terms of that commitment;

(10) and (11) makes nonsubstantive changes to these subdivisions; or

(12) deletes this subdivision and existing text including other sufficient cause.

(b) Makes a conforming change to this subsection.

(g) Requires JBCC by rule to define the conditions under which a shorthand reporting firm's or affiliate office's repeated failure to fulfill a commitment to provide court reporting services as described by Subsection (a)(9)(B) is considered unprofessional conduct and grounds for disciplinary action.

(b) Requires JBCC, in developing rules under Section 154.111(g), Government Code, as added by this section, to:

(1) establish a stakeholder work group to receive input; and

(2) solicit comments from the Texas Court Reporters Association, the Texas Deposition Reporters Association, court reporting schools, and other interested parties.

SECTION 7.17. Amends Section 154.113, Government Code, by adding Subsection (a-1), as follows:

(a-1) Provides that a person commits an offense if the person provides shorthand reporting firm services in this state in violation of Section 154.106 (Firm Registration). Provides that each day of violation constitutes a separate offense.

SECTION 7.18. Amends Section 154.115, Government Code, as follows:

Sec. 154.115. PROHIBITED CONTRACTS. (a) Prohibits a court reporter or shorthand reporting firm, rather than a court reporter, from entering into or providing services under any contractual agreement, written or oral, exclusive or nonexclusive, that:

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

(3) and (4) makes nonsubstantive changes to these subdivisions; or

(5) restricts an attorney's choice in the selection of a court reporter or shorthand reporting firm.

(b) Provides that Subsections (a)(2) (relating to prohibiting a court reporter from entering into or providing services under any contractual agreement that requires a court reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney) and (3) (relating to prohibiting a court reporter from entering into or providing services under any contractual agreement that requires a court reporter to provide any service not made available to all parties to an action), rather than this section, do not apply to a contract for court reporting services for a court, agency, or instrumentality of the United States or this state.

#### ARTICLE 8. JUVENILE BOARDS

SECTION 8.01. Amends Section 152.0811, Human Resources Code, by amending Subsections (a) and (b) and adding Subsections (a-1) and (d), as follows:

(a) Creates Subdivisions (1) and (2) from existing text. Provides that the juvenile board of Fayette County is composed of:

(1) the county judge;

(2) the judge of each district court in Fayette County, rather than the judge of a district court in Fayette County as determined by the commissioners court;

(3) the judge of each statutory county court in Fayette County; and

(4) a public member only if the total number of board members described by Subdivisions (1)–(3) is fewer than three or is an even number.

(a-1) Requires a public member who serves on the board to be appointed by a majority of the other members of the board. Provides that the public member serves a two-year term.

(b) Authorizes the commissioners court to pay the juvenile board members compensation of \$1,200 annually for the duties imposed on the members, rather than pay the juvenile board members additional annual compensation of not more than \$1,200 for the added duties imposed on the members. Requires the compensation, rather than the additional compensation, to be paid in a certain manner from certain funds.

(d) Provides that the board member who has the greatest number of years of judicial service and is willing to serve is the chair of the board.

SECTION 8.02. Amends Section 152.0941, Human Resources Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that Sections 152.0002 (Board Meetings), 152.0004 (General Expenses), and 152.0005 (Expenses of Board Members and Juvenile Court), rather than Sections 152.0002, 152.0004, 152.0005, 152.0006 (Fiscal Officer), 152.0007 (Duties), and 152.0008 (Personnel), do not apply to the juvenile board of Goliad County.

(d) Authorizes the juvenile board of Goliad County and the juvenile boards of one or more counties that are adjacent to or in close proximity to Goliad County to agree to operate together with respect to all matters, or with respect to certain matters specified by the juvenile boards. Authorizes juvenile boards operating together to appoint one fiscal officer to receive and disburse funds for the boards.

SECTION 8.03. Amends Section 152.0991(a), Human Resources Code, to provide that the juvenile board of Grimes County is composed of the county judge, the district judges in Grimes County, and the judge of each county court at law in the county, rather than composed of the county judge and the district judges in Grimes County.

SECTION 8.04. Amends Section 152.2411, Human Resources Code, by amending Subsections (b) and (f) and adding Subsection (g), as follows:

(b) Requires the juvenile board to elect one of its members as chairman of the board, rather than providing that the juvenile court judge is the chairman of the juvenile board and its chief administrative officer.

(f) Provides that Sections 152.0002, 152.0004, and 152.0005, rather than Sections 152.0002, 152.0004, 152.0005, 152.0006, 152.0007, and 152.0008, do not apply to the juvenile board of Victoria County.

(g) Authorizes the juvenile board of Victoria County and the juvenile boards of one or more counties that are adjacent to or in close proximity to Victoria County to agree to operate together with respect to all matters, or with respect to certain matters specified by the juvenile boards. Authorizes juvenile boards operating together to appoint one fiscal officer to receive and disburse funds for the boards.

## ARTICLE 9. THE OFFICE OF COURT ADMINISTRATION OF THE TEXAS JUDICIAL SYSTEM

SECTION 9.01. (a) Amends Section 22A.002(d), Government Code, as follows:

(d) Requires the comptroller to pay from funds appropriated to the comptroller's judiciary section, rather than requiring the Office of Court Administration of the Texas Judicial System (OCA) to pay, the travel expenses and other incidental costs related to convening a special three-judge district court under this chapter (Special Three-Judge District Court).

(b) Provides that the change in law made by this section applies only to a travel expense or other incidental cost incurred on or after the effective date of this Act. Provides that a travel expense or other incidental cost incurred before the effective date of this Act is governed by the law in effect on the date the travel expense or other incidental cost was incurred, and the former law is continued in effect for that purpose.

SECTION 9.02. (a) Amends Sections 51.607(a) and (b), Government Code, as follows:

(a) Requires OCA, rather than the comptroller, following each regular session of the legislature, to identify each law enacted by that legislature, other than a law disapproved by the governor, that imposes or changes the amount of certain court costs or fees collected by the clerk of certain courts from certain parties.

(b) Makes conforming changes to this subsection.

(b) Provides that the change in law made by this section applies only to a law imposing or changing the amount of a court cost or fee that takes effect on or after the effective date of this Act.

SECTION 9.03. Amends Subchapter C, Chapter 72, Government Code, by adding Sections 72.033 and 72.034, as follows:

Sec. 72.033. LIST OF NEW OR AMENDED COURT COSTS AND FEES. Requires OCA biennially to prepare and publish a list of new or amended court costs and fees required by Section 51.607.

Sec. 72.034. PUBLIC INFORMATION INTERNET WEBSITE. (a) Defines "public information" and "public information Internet website."

(b) Requires OCA to develop and maintain a public information Internet website that allows a person to easily publish public information on the Internet website or OCA to post public information on the Internet website on receipt from the person.

(c) Requires the public information Internet website to allow the public to easily access, search, and sort the public information.

(d) Requires the supreme court by rule to establish procedures for the submission of public information to the public information Internet website by a person who is required to publish the information.

SECTION 9.04. (a) Requires the supreme court to adopt the rules necessary to implement Section 72.034, Government Code, as added by this article, not later than June 1, 2020.

(b) Requires OCA to develop the public information website for the purposes of providing citation by publication as required by Section 72.034, Government Code, as added by this article, not later than June 1, 2020.

SECTION 9.05. Amends Section 121.002, Government Code, by amending Subsections (c) and (d) and adding Subsections (f) and (g), as follows:

(c) Prohibits a specialty court program, notwithstanding any other law, from operating until the judge, magistrate, or coordinator:

(1) provides to OCA, rather than the criminal justice division of the Office of the Governor (criminal justice division), with certain information; and

(2) receives from OCA, rather than from the criminal justice division, written verification of the program's compliance with Subdivision (1).

(d) Requires a specialty court program to:

(1) makes no changes to this subdivision; and

(2) report to the criminal justice division and the Texas Judicial Council (TJC) any information required by the criminal justice division or TJC, rather than report to the criminal justice division any information required by the criminal justice division, regarding the performance of the program.

(f) Requires OCA to:

(1) on request provide technical assistance to the specialty court programs;

(2) coordinate with an entity funded by the criminal justice division that provides services to specialty court programs;

(3) monitor the specialty court programs for compliance with programmatic best practices as required by Subsection (d)(1) (relating to requiring a specialty court program to comply with certain programmatic best practices); and

(4) notify the criminal justice division if a specialty court program fails to comply with programmatic best practices as required by Subsection (d)(1).

(g) Requires OCA to coordinate with and provide information to the criminal justice division on request of the criminal justice division.

SECTION 9.06. (a) Requires OCA to contract with the National Center for State Courts to conduct a study of the caseloads of the district and statutory county courts in this state. Requires the study to concentrate on the weighted caseload of each court, considering the nature and complexity of the cases heard.

(b) Requires the National Center for State Courts, not later than December 1, 2020, to report the results of the study required by Subsection (a) of this section to OCA. Requires OCA, not later than January 1, 2021, to file a report on those results with the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the standing committees of the senate and house of representatives with jurisdiction over the judicial system.

#### ARTICLE 10. ELECTRONIC PUBLICATION AND DISPLAY OF LEGAL DOCUMENTS

SECTION 10.01. Amends Sections 9.160(a), (b), and (c), Business Organizations Code, as follows:

(a) Requires the Texas attorney general (attorney general), except as provided by Section 17.032, Civil Practice and Remedies Code, if process in an action under this subchapter (Judicial Revocation of Registration) is returned not found, to publish notice on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper in the county in which the registered office of the foreign filing entity in this state is located, rather than requiring the attorney general, if process in an action under this subchapter is returned not found, to publish notice in a newspaper in the county in which the registered office of the foreign filing entity in this state is located.

(b) Requires notice under this section (Publication of Notice) to be published on the public information Internet website for at least two consecutive weeks and in a newspaper at least once a week for two consecutive weeks, rather than requiring notice under this section to be published at least once a week for two weeks beginning at any time after the citation has been returned. Authorizes notice to be published at any time after the citation has been returned.

(c) Makes a nonsubstantive change to this subsection.

SECTION 10.02. Amends Sections 11.310(a) and (b), Business Organizations Code, as follows:

(a) Requires the attorney general, except as provided by Section 17.032, Civil Practice and Remedies Code, if process in an action under this subchapter (Judicial Winding Up and Termination) is returned not found, to publish notice on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper in the county in which the registered office of the foreign filing entity in this state is located, rather than requiring the attorney general, if process in an action under this subchapter is returned not found, to publish notice in a newspaper in the county in which the registered office of the foreign filing entity in this state is located.

(b) Requires notice under this section (Publication of Notice) to be published on the public information Internet website for at least two consecutive weeks and in a

newspaper at least once a week for two consecutive weeks, rather than requiring notice under this section to be published at least once a week for two weeks beginning at any time after the citation has been returned. Authorizes notice to be published at any time after the citation has been returned.

SECTION 10.03. Amends Subchapter B, Chapter 17, Civil Practice and Remedies Code, by adding Section 17.032, as follows:

Sec. 17.032. CITATION BY PUBLICATION. (a) Authorizes a person, notwithstanding any statute or rule requiring a person to publish citation or notice on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation, to publish the citation or notice only on the public information Internet website if:

(1) the person files a statement of inability to afford payment of court costs under the Texas Rules of Civil Procedure;

(2) the total cost of the required publication exceeds the greater of \$200 each week or the amount set by the supreme court under Subsection (b); or

(3) the county in which the publication of the citation or notice is required does not have any newspaper published, printed, or generally circulated in the county.

(b) Requires the supreme court to adjust for inflation the maximum amount of publication costs established in Subsection (a)(2).

SECTION 10.04. (a) Amends Subchapter B, Chapter 17, Civil Practice and Remedies Code, by adding Section 17.033, as follows:

Sec. 17.033. SUBSTITUTED SERVICE THROUGH SOCIAL MEDIA PRESENCE. (a) Authorizes a court, if substituted service of citation is authorized under the Texas Rules of Civil Procedure, in accordance with the rules adopted by the supreme court under Subsection (b), to prescribe as a method of service an electronic communication sent to the defendant through a social media presence.

(b) Requires the supreme court to adopt rules to provide for the substituted service of citation by an electronic communication sent to a defendant through a social media presence.

(b) Requires the supreme court to adopt rules under Section 17.033, Civil Practice and Remedies Code, as added by this section, not later than December 31, 2020.

(c) Makes application of Section 17.033, Civil Practice and Remedies Code, as added by this section, prospective to the effective date of the rules adopted by the supreme court under that section.

SECTION 10.05. Amends Sections 51.054(a) and (b), Estates Code, as follows:

(a) Requires a citation or notice to a person, except as provided by Section 17.032, Civil Practice and Remedies Code, to be served by publication to be published one time on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation in the county in which the proceeding is pending, rather than requiring citation or notice to a person to be served by publication to be published one time in a newspaper of general circulation in the county in which the proceeding is pending.

(b) Provides that the date of service of citation or notice by publication is the earlier of date the citation or notice is published on the public information Internet website under Subsection (a) or the date of publication printed on the newspaper in which the citation or

notice is published, rather than providing that the date of service of citation or notice by publication is the date of publication printed on the newspaper in which the citation or notice is published. Makes nonsubstantive changes to this subsection.

SECTION 10.06. Amends Section 51.103(b), Estates Code, as follows:

(b) Provides that proof of service consists of:

(1)–(3) makes no changes to these subdivisions; and

(4) if the service is made by publication:

(A) an affidavit that:

(i) is made by OCA or an employee of OCA;

(ii) contains or to which is attached a copy of the published citation or notice; and

(iii) states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code; and

(B) creates this paragraph from existing text and makes nonsubstantive changes to this paragraph.

SECTION 10.07. Amends Sections 1051.054(a) and (b), Estates Code, as follows:

(a) Requires a citation or notice to a person, except as provided by Section 17.032, Civil Practice and Remedies Code, to be served by publication to be published one time on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation in the county in which the proceeding is pending, rather than requiring a citation or notice to a person to be served by publication to be published one time in a newspaper of general circulation in the county in which the proceeding is pending.

(b) Provides that the date of service of citation or notice by publication is the earlier of date the citation or notice is published on the public information Internet website under Subsection (a), or the date of publication printed on the newspaper in which the citation or notice is published, rather than providing that the date of service of citation or notice by publication is the date of publication printed on the newspaper in which the citation or notice is published. Makes nonsubstantive changes to this subsection.

SECTION 10.08. Amends Section 1051.153(b), Estates Code, as follows:

(b) Provides that proof of service consists of:

(1)–(3) makes no changes to these subdivisions; and

(4) if the service is made by publication:

(A) an affidavit that:

(i) is made by OCA or an employee of OCA;

(ii) contains or to which is attached a copy of the published citation or notice; and

(iii) states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code; and

(B) creates this paragraph from existing text and makes nonsubstantive changes to this paragraph.

SECTION 10.09. Amends Section 3.305, Family Code, as follows:

Sec. 3.305. CITATION BY PUBLICATION. (a) Requires citation, except as provided by Section 17.032, Civil Practice and Remedies Code, if the residence of the respondent, other than a respondent reported to be a prisoner of war or missing on public service, is unknown, to be published on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation published in the county in which the petition was filed, rather than requiring citation, if the residence of the respondent, other than a respondent reported to be a prisoner of war or missing on public service, is unknown, to be published in a newspaper of general circulation published in the county in which the petition was filed. Deletes existing text requiring citation, if that county has no newspaper of general circulation, to be published in a newspaper of general circulation in an adjacent county or in the nearest county in which a newspaper of general circulation is published.

(b) Requires the notice to be published on the public information Internet website for at least two consecutive weeks before the hearing and in a newspaper once a week for two consecutive weeks before the hearing, rather than requiring the notice to be published once a week for two consecutive weeks before the hearing, but prohibiting the first notice from being published after the 20th day before the date set for the hearing. Provides that neither notice is authorized to be initially published after the 20th day before the date set for the hearing.

SECTION 10.10. Amends Section 102.010(a), (b), and (e), Family Code, as follows:

(a) Authorizes citation, except as provided by Section 17.032, Civil Practice and Remedies Code, to be served to persons entitled to service of citation who cannot be notified by personal service or registered or certified mail and to person whose names are unknown by publication on the public information Internet website maintained as required by Section 72.034, Government Code, and in a newspaper of general circulation published in the county in which the petition was filed, rather than authorizing citation to be served by publication as in other civil cases to persons entitled to service of citation who cannot be notified by personal service or registered or certified mail and to person whose names are unknown.

(b) Requires citation by publication to be published not later than the 20th day before the date set for the hearing, rather than published one time. Deletes existing text requiring the notice to be published, if the name of a person entitled to service of citation is unknown, to be addressed to "All Whom It May Concern."

(e) Authorizes the court, in a suit filed under Chapter 161 (Termination of the Parent-Child Relationship) or 262 (Procedures in Suit by Governmental Entity to Protect Health and Safety of Child) in which the last name of the respondent is unknown, to order substituted service of citation by publication, including publication by posting the citation at the courthouse door for a specified time, if the court finds and states in its order that the method of substituted service is as likely as citation by publication on the public information Internet website maintained as required by Section 72.034, Government Code, or in a newspaper in the manner described by Subsection (b) to give the respondent actual notice of the suit, rather than citation by publication in a newspaper in the manner described by Subsection (b) to give the respondent actual notice of the suit.

SECTION 10.11. Amends Subchapter D, Chapter 51, Government Code, by adding Section 51.3032, effective September 1, 2019, as follows:

Sec. 51.3032. ELECTRONIC DISPLAY OF OFFICIAL AND LEGAL NOTICES BY DISTRICT CLERK. Authorizes a district clerk to post an official and legal notice by electronic display, instead of posting a physical document, in the manner provided for a county clerk by Section 82.051 (Electronic Display of Official and Legal Notices by County Clerk), Local Government Code.

SECTION 10.12. Amends Section 715.006(c), Health and Safety Code, as follows:

(c) Requires service by publication, except as provided by Section 17.032, Civil Practice and Remedies Code, if the address or identity of a plot owner is not known and cannot be ascertained with reasonable diligence, to be made on the plot owner by publishing notice on the public information Internet website maintained as required by Section 72.034, Government Code, and at least three times in a newspaper of general circulation in the county in which the cemetery is located, rather than requiring service by publication, if the address or identity of a plot owner is not known and cannot be ascertained with reasonable diligence, to be made on the plot owner by publishing notice at least three times in a newspaper of general circulation in the county in which the cemetery is located. Deletes existing text authorizing the notice, if there is not a newspaper of general circulation in the county in which the cemetery is located, to be published in a newspaper of general circulation in an adjoining county.

SECTION 10.13. Provides that this article, except as otherwise provided by this article, takes effect June 1, 2020.

#### ARTICLE 11. NOTARIZATION REQUIREMENTS

SECTION 11.01. Amends Section 31.008(d), Family Code, as follows:

(d) Requires the waiver of citation to be sworn before a notary public who is not an attorney in the suit or conform to the requirements for an unsworn declaration under Section 132.001 (Unsworn Declaration) Civil Practice and Remedies Code, rather than requiring the waiver of citation, notwithstanding Section 132.001, Civil Practice and Remedies Code, to be sworn before a notary public who is not an attorney in the suit.

SECTION 11.02. Amends Section 45.107(d), Family Code, to make conforming changes.

#### ARTICLE 12. COURT GRANT PROGRAMS

SECTION 12.01. Amends Section 22.017, Government Code, as follows:

Sec. 22.017. New heading: GRANTS BY COMMISSIONS ESTABLISHED BY SUPREME COURT. (a) Makes nonsubstantive changes to this subsection. Creates Subsections (d), (g), and (h) from existing text. Defines "children's commission," rather than "commission," as the Permanent Judicial Commission for Children, Youth and Families established by the supreme court (children's commission). Defines "mental health commission" as the Texas Judicial Commission on Mental Health established by the supreme court (mental health commission).

(b) Makes a conforming change to this subsection and creates Subdivisions (1) and (2) from existing text. Requires the children's commission to develop and administer a program to provide grants from available funds for initiatives that will:

(1) improve well-being, safety, and permanency outcomes in child protection cases, rather than improve safety and permanency outcomes; or

(2) enhance due process for the parties or the timeliness of resolution in cases involving the welfare of a child, rather than enhance due process, or increase the timeliness of resolution in child protection cases.

(c) Authorizes the children's commission to develop and administer a program to provide grants from available funds for:

(1) initiatives designed to prevent or minimize the involvement of children in the juvenile justice system or promote the rehabilitation of children involved in the juvenile justice system; and

(2) any other initiatives identified by the children's commission or the supreme court to improve the administration of justice for children.

(d) Makes a conforming change to this subsection. Requires a prospective recipient, to be eligible for a grant administered by the children's commission under this section, to:

(1) use the money to:

(A) and (B) makes conforming changes to these paragraphs;

(C) prevent or minimize the involvement of children in the juvenile justice system or promote the rehabilitation of children involved in the juvenile justice system; or

(D) accomplish any other initiatives identified by the children's commission or the supreme court to improve the administration of justice for children; and

(2) makes a conforming change to this subdivision.

(e) Authorizes the mental health commission to develop and administer a program to provide grants from available funds for initiatives that will improve the administration of justice for individuals with mental health needs or an intellectual or developmental disability.

(f) Requires a prospective recipient, to be eligible for a grant administered by the mental health commission under this section, to:

(1) use the grant money to improve the administration of justice for individuals with mental health needs or an intellectual or developmental disability; and

(2) apply for the grant in accordance with procedures developed by the mental health commission and comply with any other requirements of the supreme court.

(g) Requires the commission administering a grant, if the children's commission or the mental health commission awards a grant under this section, rather than requiring the commission, if the commission awards a grant, to take certain actions.

(h) Authorizes the children's commission and the mental health commission, rather than the commission, to accept gifts, grants, and donations for purposes of this section. Deletes existing text prohibiting the commission from using state funds to provide a grant under this section or to administer the grant program.

#### ARTICLE 13. CASES BROUGHT BY ATTORNEY GENERAL

SECTION 13.01. Amends Section 231.103(a), Family Code, to authorize the Title IV-D agency to charge certain fees, including a \$35 annual service fee, rather than a \$25 annual service fee.

SECTION 13.02. Amends Section 402.006(c), Government Code, to entitle the attorney general, in a case in which the state is entitled to recover a penalty or damages, in addition to any other remedy available by law and on behalf of the state, rather than on behalf of the state, to reasonable attorney's fees and court costs.

#### ARTICLE 14. VISITING JUDGES

SECTION 14.01. Amends Section 25.0022, Government Code, by adding Subsections (v) and (w), as follows:

(v) Provides that a judge who is assigned under this section (Administration of Statutory Probate Courts) to a court in a county other than the county in which the judge serves is not an employee of the other county.

(w) Provides that a former or retired judge who is assigned under this section is not an employee of the county in which the assigned court is located.

SECTION 14.02. Amends Section 74.061, Government Code, by adding Subsections (l) and (m), as follows:

(l) Provides that a judge of a district, statutory probate, constitutional county, or statutory county court who is assigned under this chapter (Court Administration Act) to a court in a county other than the county in which the judge serves is not an employee of the other county.

(m) Provides that a former or retired judge or an active judge or justice of the supreme court, the Texas Court of Criminal Appeals, or a court of appeals who is assigned under this chapter is not an employee of the county in which the assigned court is located.

SECTION 14.03. Amends Subchapter A, Chapter 75, Government Code, by adding Section 75.004, as follows:

Sec. 75.004. EMPLOYEE STATUS. Provides that a former or retired judge or justice who is assigned under this subchapter (Assignment of Former Judges and Retired Judges Who Elect to be Judicial Officers) is not an employee of the county in which the assigned court is located.

#### ARTICLE 15. REPEALERS AND TRANSITIONS

SECTION 15.01. Repealer: Article 103.003(b-1) (relating to authorizing certain commissioners courts to collect certain monies), Code of Criminal Procedure.

Repealer: Article 103.0033 (Collection Improvement Program), Code of Criminal Procedure

SECTION 15.02. Repealer: Section 51.054(c) (relating to requiring certain citation or notice to be served by publication to be served by posting if no newspaper is published, printed, or of general circulation in the county in which the citation or notice is to be published), Estates Code.

Repealer: Section 1051.054(c) (relating to requiring certain citation or notice to be served by publication to be served by posting if no newspaper is published, printed, or of general circulation in the county in which the citation or notice is to be published), Estates Code.

SECTION 15.03. Repealer: Section 25.1312(b-1) (relating to providing that the County Court at Law No. 2 of Kaufman County does not have jurisdiction of civil cases in which the amount in controversy exceeds a certain amount), Government Code.

Repealer: Section 43.111(c) (relating the authorizing the commissioners courts of DeWitt, Goliad, and Refugio Counties to supplement the state salary of the district attorney in the amount they consider proper and requiring the supplemental compensation

to be paid in equal monthly installments in proportion to the population of those counties), Government Code.

Repealer: Subchapter C (Senior District Judges For the First Administrative Judicial Region), Chapter 75, Government Code.

Repealer: Section 832.001(b) (relating to providing that, except as provided by Section 832.101 (Ineligibility For Membership), membership in JRS One includes persons who are appointed under Subchapter C of Chapter 75, and who have never been members of JRS Two and providing that a member appointed under that Act is a judicial officer for purposes of this subtitle (Judicial Retirement System of Texas Plan One)), Government Code.

Repealer: Section 835.103 (Contributions For Senior District Court Judges), Government Code.

Repealer: Section 837.001(b) (relating to providing that, except as provided by Section 832.101, membership in JRS Two includes persons who are appointed under Subchapter C of Chapter 75, and who have never been members of the Judicial Retirement System of Texas or JRS One and providing that a member appointed under that Act is a judicial officer for purposes of this subtitle (Judicial Retirement System of Texas Plan Two)), Government Code.

Repealer: Section 840.104 (Collection of Contributions For Senior District Court Judges), Government Code.

SECTION 15.04. Repealer: Section 133.058(e) (relating to prohibiting a municipality or county from retaining a service fee if certain criteria are met), Local Government Code.

Repealer: Section 133.103(c-1) (relating to requiring the treasurer to send 100 percent of certain fees collected to the comptroller if certain criteria are met), Local Government Code.

SECTION 15.05. Requires OCA to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, OCA, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

#### ARTICLE 16. EFFECTIVE DATE

SECTION 16.01. Effective date, except as otherwise provided by this Act: September 1, 2019.