

# Texas Judiciary Legislative Update

Texas Judicial Council  
88th Legislature





*Texas Judicial Council meeting, February 24, 2023*





# From the Executive Director

The 88th Texas Legislature passed many laws that will bring significant change to the Texas Judiciary. The most profound change will come with the collection of case level data. The legislature provided funding to the Office of Court Administration (OCA) for a system to collect case level data and directed the Texas Judicial Council to promulgate rules to effectuate this change.

More than 2,200 bills were filed during the 88th session that impacted the judicial branch. The OCA analyzed and drafted more than 1,600 fiscal notes for the Legislative Budget Board. In addition, multiple [Texas Judicial Council recommendations](#) were signed into law by the Governor.

The new laws include:

- Diversion of youth charged with non-traffic Class C Misdemeanor fine only offenses.
- The creation of a new criminal offense when draft judicial opinions and work product are publicly distributed.
- The establishment of a Family Protection Legal Representation Program within the Texas Indigent Defense Commission.
- Clarification of mental health disposition reporting to the National Instant Criminal Background Check System (NICS) for juveniles.
- Funding for the necessary tools so the Texas Judiciary can collect case level data.
- Adoption of certain recommendations of the Judicial Commission on Mental Health.

The following report provides an overview of new legislation directly impacting the Texas court system, judges, clerks, lawyers, and other judicial personnel. We hope the report will be a useful resource for the judicial and legal communities as well as those interested in the administration of justice.

Megan LaVoie





# Table of Contents

Funding the Judiciary.....	5
Administration of the Courts.....	8
Appellate Courts .....	9
Associate Judges and Magistrates .....	10
Bail .....	11
Civil Law and Procedure.....	12
Clerks.....	22
Commissions, Committees, Councils, and Task Forces .....	24
Costs, Fees, Fines, and Collections .....	27
County Courts and District Courts.....	28
Courthouse Security and Judicial Privacy.....	30
Criminal Law and Procedure .....	30
Elections and Lobbying .....	44
Family Law .....	45
Government Entity or Political Subdivision .....	49
Guardianship and Mental Health.....	50
Indigent Defense.....	52
Judicial Compensation.....	53
Judicial Education.....	53
Judicial Fund .....	54
Jurisdiction and Venue .....	54
Jury Service and Grand Jury Service.....	55
Justice Courts and Municipal Courts .....	56
Juvenile Justice.....	59
Legal Profession.....	60
Magistrate Duties.....	60
New Courts .....	61
Office of Court Administration.....	62
Open Records and Open Meetings .....	65
Other Laws and Regulations .....	65
Probate, Trusts, and Estates.....	67
Protective Orders.....	69
Specialty Courts .....	70
Supreme Court of Texas and Texas Court of Criminal Appeals.....	70
Vetoed Legislation .....	73
Index of Bills .....	77



# Funding the Judiciary

The Texas Judicial Branch courts and agencies collectively submitted a total biennial budget request of \$838.7 million. Exceptional Item requests totaled \$200.6 million bringing the total request to \$1.04 billion.

The Conference Committee Report for House Bill 1 (CCR HB1) approved by the 88th Legislature appropriated a total of \$951.9 million to the Judicial Branch courts and agencies. This funding level is approximately \$112.4 million more or a 13.4% biennial increase from 2022-2023 appropriation levels. CCR HB1 provides a total of 1,633.2 FTEs, an increase of 72.8 FTEs from 2022-2023 levels. The entire budget for the third branch of government makes up 3.0% of the state budget of Texas.

## FY 2023-2024 Total Funding - All Judiciary

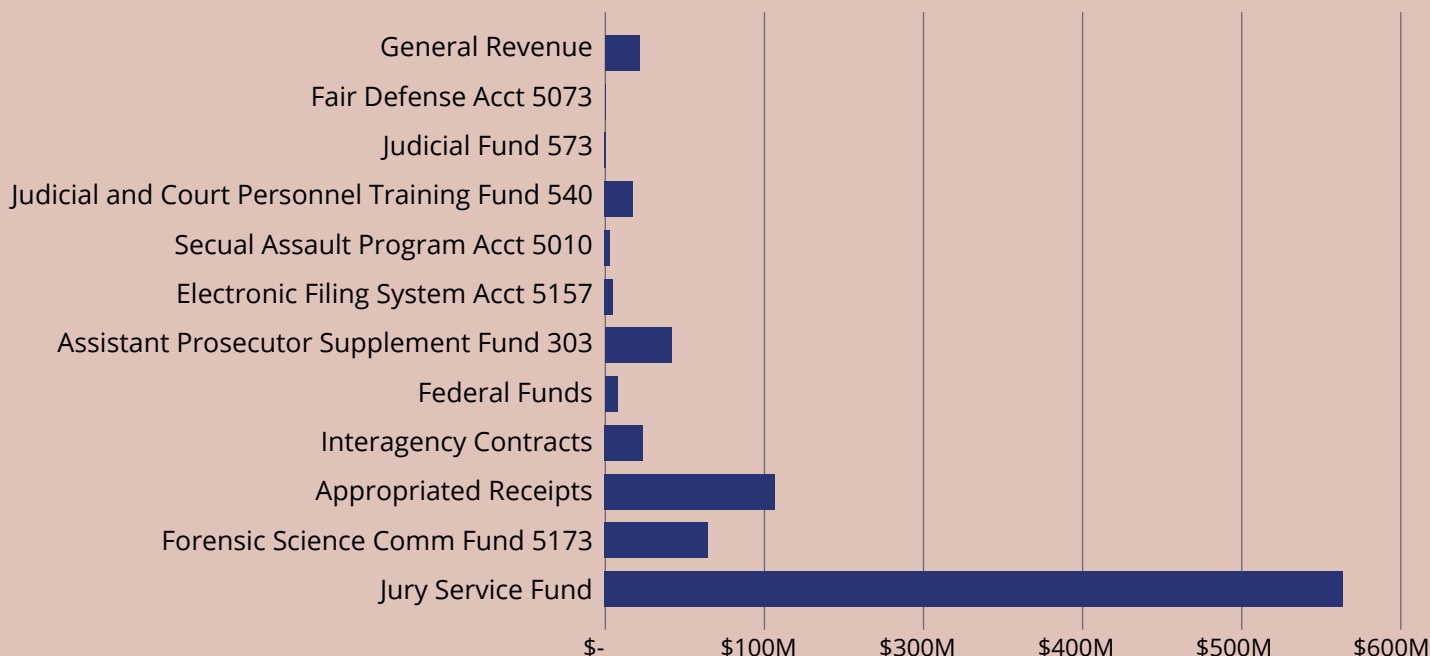
Supreme Court	\$102,744,903
Court of Criminal Appeals	\$47,374,501
1st COA	\$11,554,835
2nd COA	\$9,223,272
3rd COA	\$7,947,487
4th COA	\$9,202,458
5th COA	\$16,481,295
6th COA	\$4,106,063
7th COA	\$5,214,649
8th COA	\$4,069,020
9th COA	\$5,201,510
10th COA	\$4,175,076
11th COA	\$4,130,270
12th COA	\$4,173,083
13th COA	\$8,011,459
14th COA	\$11,990,052
Office of Court Administration	\$295,480,770
Capital and Forensic Writs	\$6,482,967
State Prosecuting Attorney	\$1,030,407
State Law Library	\$2,653,039
State Commission on Judicial Conduct	\$3,211,675
Judiciary Section, Comptroller's Dept.	\$387,420,213
<b>Total</b>	<b>\$951,879,004</b>



# Funding the Judiciary

Judicial Branch by Method of Finance

**\$796,055,522**



**FY 2024-2025 Objects of Expense -  
All Judiciary**

Salaries and Wages	\$452,824,213
Other Personnel Costs	\$12,313,652
Professional Fees	\$10,751,447
Consumables	\$578,035
Utilities	\$600,268
Travel	\$3,899,394
Fuels/Lubricants	\$106,500
Rent-Building	\$701,170
Rent-Machine	\$280,516
Other Operating Exp	\$85,646,693
Grants	\$383,490,557
Capital Expenditures	\$686,559
<b>Total</b>	<b>\$951,879,004</b>

**FY 2024-2025 Total Funding - Judicial Agencies  
excluding the Appellate Courts**

Office of Court Administration	\$295,480,770
Office of Capital and Forensic Writs	\$6,482,967
Office of the State Prosecuting Attorney	\$1,030,407
State Law Library	\$2,653,039
State Commission on Judicial Conduct	\$3,211,675
Judiciary Section, Comptroller's Dept.	\$387,420,213
<b>Total</b>	<b>\$696,279,071</b>



# Funding the Judiciary

## FY 2024-2025 Total Funding - Appellate Courts

Supreme Court	\$102,744,903
Court of Criminal Appeals	\$47,374,501
1st COA	\$11,554,835
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11th COA	\$4,130,270
12th COA	\$4,173,083
13th COA	\$8,011,459
14th COA	\$11,990,052
<b>Total</b>	<b>\$ 255,599,933</b>

METHOD OF FINANCE	2022-2023	2024-2025	INCREASE/ (DECREASE)
General Revenue	\$452,140,910.00	\$581,552,640.00	\$129,411,730.00
Fair Defense Account	\$99,265,347.00	\$81,397,812.00	\$17,867,535.00
Judicial Fund 573	\$133,269,848.00	\$134,001,385.00	\$7,315,375.00
Judicial & Court Personnel Training Fund 540	\$31,775,656.00	\$30,356,000.00	(\$1,419,656.00)
Sexual Assault Prgm Fund 5010	\$10,000,000.00	\$10,000,000.00	\$-
E-Filing Account 5157	\$49,742,002.00	\$52,542,505.00	\$2,800,503.00
Asst Prosecutor Supp Fund 303	\$6,540,420.00	\$6,540,420.00	\$-
Federal Funds	\$4,510,324.00	\$4,217,716.00	(\$292,608.00)
Interagency Contracts	\$22,598,183.00	\$22,168,366.00	(\$429,817.00)
Appropriated Receipts	\$973,490.00	\$939,159.00	(\$34,331.00)
Forensic Science Commission Acct 5157	\$259,350.00	\$661,001.00	\$401,651.00
Jury Service Fund	\$26,482,000.00	\$27,502,000.00	\$1,020,000.00
<b>Total</b>	<b>\$832,817,163.00</b>	<b>\$951,879,004.00</b>	<b>\$112,358,974.00</b>



# Administration of the Courts

**HB 2015:** Effective 9/1/2023.

Raises the age at which a person qualifies for a permanent jury service exemption from age 70 to age 75. *See* GOV'T CODE §§ 62.106, 62.107, 62.108. ***See also* Clerks; County Courts and District Courts; Jury Service and Grand Jury Service; Justice Courts and Municipal Courts.**

**HB 2251:** Effective 9/1/2023.

Requires clerks of the court, county judges, justices of the peace, sheriffs, constables, and marshals who have been provided a computerized case and financial management system by their counties to use them to maintain a record of each fee or cost charged in criminal actions or proceedings. Requires the officer to print a hard copy of the record and present it to the defendant to fulfill a statutory requirement for charging the defendant the fees and costs. *See* CODE CRIM. PROC. art. 103.009. ***See also* Clerks; Costs, Fees, Fines, and Collections; County Courts and District Courts; Justice Courts and Municipal Courts.**

**HB 3474:** Effective 9/1/2023, except: Article 15 takes effect 6/13/2023; Sections 1.011, 2014, 2.015, 2.018, and 2.019 take effect 10/1/2023; Sections 1.014 and 1.015 take effect 10/1/2024; and Sections 1.009 and 1.016 take effect 10/1/2025.

Amends and repeals various provisions of code as it relates to the operation of the judiciary, including the docket preferences, terms of court, jurisdiction, where courts may sit, docket sharing, judge assignment, case diversion, case referral, case transfer, filing of oaths, service of process, document delivery, the operation of various proceedings, and juror qualification, summons, and exemptions. Creates new judicial districts in Denton County, Harris County, Kaufman County, Collin County, Bastrop County, Brazos County, Kendall County, and Edwards, Gillespie, and Kimball counties. Creates probate courts in Travis County, Harris County, and Bexar County. Creates statutory county court in Waller County and Wilson County, and multicounty statutory county court in Bee, Live Oak, and McMullen counties. Permits appointment of various criminal magistrates. Sets certain travel expense entitlements. Amends various sections of the Government Code related to salaries of certain judges and prosecutors, including years of service in determining judicial salary for certain groups. Adjusts salaries of state-employed associate judges appointed under Subchapters B and C, Chapter 201, Family Code. Requires the Office of Court Administration to conduct a district court caseload analysis and report from time to time. Adjusts juror reimbursement rates. Makes conforming amendments. ***See also* Associate Judges and Magistrates; County Courts and District Courts; Judicial Compensation; Jurisdiction and Venue; Jury Service and Grand Jury Service; New Courts; Office of Court Administration.**

**SB 380:** Effective 5/23/2023.

Provides that a party to a proceeding in a court who files a statement of inability to afford payment of court costs is not required to provide an interpreter at the party's expense or pay certain associated costs unless the statement has been contested and the court has ordered the party to pay costs. Requires each county auditor or other designated individual, in consultation with the district and county clerks, to submit to the Office of Court Administration (OCA), in a manner prescribed by OCA, information on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil





and criminal proceedings. Specifies what information must be included in the submission. Requires OCA to submit to the legislature, no later than December 1 of each year, a report that aggregates by county the information submitted for the preceding year. Requires OCA to publish the report on its website. See GOV'T CODE § 57.002(g), (h). **See also Clerks; Office of Court Administration.**

**SB 1612:** Effective 1/1/2024, except Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, and 27(a) take effect September 1, 2023.

Amends and repeals various sections of the Estates Code, Family Code, Government Code, Local Government Code, and Code of Criminal Procedure relating to standardization of court administration procedures, costs, and certain filing fees. **See also Clerks; Costs, Fees, Fines, and Collections; Family Law; Probate, Trusts, and Estates.**

## Appellate Courts

**HB 2157:** Effective 9/1/2023.

Allows a state agency to set the compensation rate for an employee who transfers from one classified position to another position in the agency with the same classification so long as the compensation is within the appropriate salary group for that position under the state's classification schedule. Requires the vacant position to which the employee transfers to be publicly listed and the employee to accept the position at the advertised salary. See GOV'T CODE §659.2532. **See also Office of Court Administration; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**HB 4553:** Effective 9/1/2023.

Amends various sections of code to expand the availability of Department of Information Resources services to local governments and the Texas Supreme Court, Texas Court of Criminal Appeals, and the courts of appeals, as well as other judicial branch entities. **See also Office of Court Administration; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**SB 372:** Effective 9/1/2023.

Requires the Supreme Court to adopt rules regarding non-public judicial work product confidentiality. Requires a person, other than a justice or judge, who is involved in crafting an opinion or decision for an adjudicatory proceeding, including a court staff attorney, court clerk, or law clerk, to maintain the confidentiality of all non-public judicial work product (as defined by the bill) in accordance with Supreme Court rules. Requires a justice or judge of a court to comply with Supreme Court rules governing confidentiality of non-public judicial work product. Makes it a Class A misdemeanor offense for a person, other than a justice or judge, with access to non-public judicial work product to knowingly disclose, wholly or partly, the contents of any non-public judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, certain state agency employees, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding. Provides certain defense to prosecution under new provision created by bill. See GOV'T CODE § 21.013. **See also County Courts and District Courts; Criminal Law and Procedure; Justice Courts and Municipal Courts; Supreme Court of Texas and Texas Court of Criminal Appeals.**



**SB 1045:** Effective 9/1/2023.

Creates the Fifteenth Court of Appeals District composed of all counties in the state, consisting of a chief justice and four justices. Grants exclusive intermediate appellate jurisdiction over certain matters brought by or against the State or a board, commission, department, office, or other agency in the executive branch (including certain university or higher education institutions), or by or against an office or employee of the State or a board, commission, department, office or other agency in the executive branch arising out of that officer's or employee's official conduct; matters in which a party to the proceeding files a petition, motion, or other pleading challenging the constitutionality or validity of a State statute or rule and the attorney general is a party to the case; and any other matter as provided by law. Outlines various court operational matters. Transfers authority for judicial review of proceedings related to a final order, rule, decision, or other final action of the board of the Texas Department of Motor Vehicles from the Third Court of Appeals District to the Fifteenth Court of Appeals District, along with judicial review of rules of competition developed by the Public Utility Commission of Texas. Gives the Texas Supreme Court exclusive and original jurisdiction over a challenge to the constitutionality of the bill or any part of the bill. *See* GOV'T CODE §§ 22.201(a), 22.2151, 22.2152, 22.216, 22.220 (a), 22.221(b), 22.229(a), 73.001, 659.012(a), 2001.038(f), 2001.176(c), 2301.751(a); UTIL. CODE 39.01(e); CODE CRIM. PROC. arts 4.01, 4.03, 44.25, 31.001.

**SB 1603:** Effective 9/1/2023.

Provides that, where a court of appeals does not accept an interlocutory appeal of an order that involves certain controlling questions of law on which there is substantial ground for difference of opinion where the appeal from the order may materially advance the ultimate termination of the litigation, the appeals court must state in its decision the specific reason for finding the appeal is not warranted. Authorizes the Texas Supreme Court to review an appeals court decision not to accept an interlocutory appeal under an abuse of discretion standard. *See* CIV. PRAC. & REM. CODE § 51.014. ***See also Civil Law and Procedure; Supreme Court of Texas and Texas Court of Criminal Appeals.***

## Associate Judges and Magistrates

**HB 3474:** Effective 9/1/2023, except: Article 15 takes effect 6/13/2023; Sections 1.011, 2014, 2.015, 2.018, and 2.019 take effect 10/1/2023; Sections 1.014 and 1.015 take effect 10/1/2024; and Sections 1.009 and 1.016 take effect 10/1/2025.

Amends and repeals various provisions of code as it relates to the operation of the judiciary, including the docket preferences, terms of court, jurisdiction, where courts may sit, docket sharing, judge assignment, case diversion, case referral, case transfer, filing of oaths, service of process, document delivery, the operation of various proceedings, and juror qualification, summons, and exemptions. Creates new judicial districts in Denton County, Harris County, Kaufman County, Collin County, Bastrop County, Brazos County, Kendall County, and Edwards, Gillespie, and Kimball counties. Creates probate courts in Travis County, Harris County, and Bexar County. Creates statutory county court in Waller County and Wilson County, and multicounty statutory county court in Bee, Live Oak, and McMullen counties. Permits appointment of various criminal magistrates. Sets certain travel expense entitlements. Amends various sections of the Government Code related to salaries of certain judges and prosecutors, including years



of service in determining judicial salary for certain groups. Adjusts salaries of state-employed associate judges appointed under Subchapters B and C, Chapter 201, Family Code. Requires the Office of Court Administration to conduct a district court caseload analysis and report from time to time. Adjusts juror reimbursement rates. Makes conforming amendments. **See also Administration of the Courts; County Courts and District Courts; Judicial Compensation; Jurisdiction and Venue; Jury Service and Grand Jury Service; New Courts; Office of Court Administration.**

**HB 4183:** Effective 9/1/2023.

Allows an associate judge appointed under Chapter 201, Family Code, an associate judge appointed under Chapter 54A, Government Code, or a justice of the peace to consider a marriage license applicant's request for a waiver of the waiting period provided the judge or justice finds good cause for the marriage to take place during that period and signs the waiver. *See* FAM. CODE § 2.204(c). **See also Family Law.**

**SB 2120:** Effective 9/1/23.

Amends various sections of the Government Code to allow the Texas Indigent Defense Commission to provide services for the funding, oversight, and improvement of court-appointed legal counsel for children and indigent parents in child protection cases filed by the Department of Family and Protective Services. Amends the Family Code to require reporting from attorney ad litem and increased the legal experience requirement for chief counsels of an office of child or parent representation. *See* GOV'T CODE § 79.001; FAM. CODE § 107. **See also Commissions, Committees, Councils, and Task Forces; Family Law.**

## Bail

**HB 767:** Effective 9/1/2023.

Provides for the entry into the Texas Crime Information Center of information relating to condition of bond on a defendant in cases involving stalking and establishes the duties of magistrates, sheriffs, court clerks, and the Department of Public Safety related to the entry of that information. *See* CODE CRIM. PROC. art. 17.50 (b)(f). **See also Clerks; Criminal Law and Procedure; and Magistrate Duties.**

**SB 2479:** Effective 9/1/23.

Amends various sections of the Health and Safety Code and Code of Criminal Procedure related to mental health. Amended the Code of Criminal Procedure to reconcile the conflict created to offenses that are eligible for personal bonds and offenses that allow for a mental health personal bond. Allows for, but does not require, a magistrate who receives credible information that may establish reasonable cause to believe that a Class C Misdemeanor defendant has a mental illness or is a person with an intellectual disability to order a mental health service provider to conduct an interview. Allows for licensed mental health professionals, in addition to physicians, who may request an electronic warrant for an emergency mental health detention. *See* HEALTH & SAFETY CODE § 573.012; CODE CRIM. PROC. arts. 16.22, 17.03. **See also Commissions, Committees, Councils, and Task Forces; Guardianship and Mental Health; Justice Courts and Municipal Courts; Magistrate Duties.**



## Civil Law and Procedure

**HB 4:** Effective 7/1/2024, except Section 541.055(e), Business & Commerce Code, as added by the bill, takes effect 1/1/2025.

Adds new chapter to the Business & Commerce Code to address the regulation of the collection, use, processing, and treatment of consumers' personal data by certain business entities. Grants Attorney General exclusive authority to enforce bill's provisions. Permits Attorney General to obtain injunctive relief, civil penalties, and reasonable attorneys' fees and investigative expenses. *See* BUS. & COM. CODE ch. 541.

**HB 18:** Effective 9/1/2024, except Section 3 takes effect 6/13/2023.

Adds new chapter to Business & Commerce Code relating to the protection of minors from harmful, deceptive, or unfair trade practices in connection with the use of certain digital services and electronic devices. Makes violation of the new chapter a deceptive trade practice actionable under Subchapter E, Chapter 17, Business & Commerce Code solely as an enforcement action by the consumer protection division of the Office of the Attorney General. *See* BUS. & COM. CODE ch. 509.

**HB 242:** Effective 9/1/2023.

Provides civil and criminal legal protection for those who donate and distribute feminine hygiene products in good faith. *See* CIV. PRAC. & REM. CODE ch. 89A. ***See also Criminal Law and Procedure.***

**HB 446:** Effective 9/1/2023.

Amends various statutes regarding the terminology used for individuals with intellectual disabilities. ***See also Criminal Law and Procedure; Family Law; Guardianship and Mental Health; and Juvenile Justice.***

**HB 450:** Effective 9/1/2023.

Authorizes a person to bring a cause of action for a bad faith washout of the person's overriding royalty interest in an oil and gas lease. *See* PROP. CODE ch. 31.

**HB 527:** Effective 9/1/2023.

Makes the Citizens Participation Act (Chapter 27, Civil Practice and Remedies Code) inapplicable to a legal malpractice claim. *See* CIV. PRAC. & REM. CODE § 27.010(a). ***See also Legal Profession.***

**HB 567:** Effective 9/1/2023.

Prohibits certain employment, dress, or grooming policies from discriminating based on hair texture or protective hairstyle commonly or historically associated with race. *See* EDUC. CODE §§ 25.903 51.979; LAB. CODE § 21.1095; PROP. CODE § 301.0045.

**HB 609:** Effective 9/1/2023.

Provides that a business owner or operator that does not require employees or contractors of the business to be vaccinated against a pandemic disease is not liable for injury or death caused by the



exposure of an individual to the pandemic disease through an employee or contractor of the business. *See* CIV. PRAC. & REM. CODE § 148.003(k).

**HB 1181**: Effective 9/1/2023.

Requires commercial entities that knowingly and intentionally publish or distribute on a website sexual material harmful to minors to use certain age verification methods and display certain notices of their websites. Provides injunctive relief and civil penalties for violations. *See* CIV. PRAC. & REM. CODE ch. 129B.

**HB 1255**: Effective 5/24/2023.

Prohibits a party from asserting a claim in an arbitration proceeding if the party could not bring suit for the claim in court due to the expiration of the applicable limitations period, except under certain circumstances. *See* CIV. PRAC. & REM. CODE § 16.073.

**HB 1745**: Effective 9/1/2023.

Provides a limitation on a transportation network company's vicarious liability for damages in certain actions or arbitration proceedings. *See* CIV. PRAC. & REM. CODE ch. 150E.

**HB 2022**: Effective 9/1/2023.

Amends various provisions of Chapter 27, Property Code, which is known as the Residential Construction Liability Act, to clarify or further limit a contractor's liability for residential construction defects. Gives courts more leeway to find a contractor's offer of settlement timely when the offer is made after the prescribed time. Clarifies the effect of arbitration on the statute of limitations for residential construction actions. Declares a contract void if it attempts to waive provisions required by the bill. *See* PROP. CODE §§ 27.004(g-1), 27.008, 27.009.

**HB 2024**: Effective 6/9/2023.

Reduces the 10-year statute of limitations to bring a suit for damages against a person who constructs or repairs an improvement to real property if the person provides certain written warranties for the construction or repairs. *See* CIV. PRAC. & REM. CODE § 16.009.

**HB 2059**: Effective 9/1/2023.

Requires the Health and Human Services Commission, instead of the Department of State Health Services, to provide grants to local mental health authorities and local behavioral health authorities to pay contractors to provide mental health first aid training to employees and contractors of the authorities. Requires the Commission to make grants to the extent appropriated to the Commission for that purpose. Allows grants in an amount the Commission considers necessary for the training instead of \$1,000 per person trained as previously provided by law. Expands the categories of persons who may receive grant-funded mental health first aid training from local mental health authorities and local behavioral health authorities to include employees of private schools, open-enrollment schools, child-care facility employees and contractors, first responders, military service members, veterans, military family members, and judges and attorneys, in addition to other school employees with frequent and recurring contact with students. Allows local mental health authorities and local behavioral health authorities to contract with a regional educational service center to provide mental health first aid training to school





and higher educational institution employees and contractors. Requires local authorities to submit training plans to the Commission in order to receive grants and requires local authorities to submit annual reports to the Commission on details of trainings provided. Provides civil immunity to persons who receive the mental health first aid training from a mental health or behavioral health authority from liability for damages caused in assisting a person experiencing a mental health crisis, unless they were willfully or wantonly negligent. *See* HEALTH & SAFETY CODE ch. 1001. **See also Government Entity or Political Subdivision.**

**HB 2063:** Effective 9/1/2023.

Prohibits owners and operators of certain kennels from boarding a dog or a cat which will be left unattended at the kennel during periods when employees will not be present unless the owner or operator provides written notice to the owner of the animal and the owner of the animal provides written consent. Requires written notice and written consent of the animal's owner if the kennel does not have a fire protection sprinkler system. Establishes a civil penalty for failure to comply with the notice requirement. *See* HEALTH & SAFETY CODE §§ 824.001, 824.002, 824.003, 824.004.

**HB 2127:** Effective 9/1/2023.

Creates the Texas Regulatory Consistency Act. Prohibits counties and municipalities from adopting, enforcing or maintaining ordinances, orders, or rules regulating various occupations, businesses, or professions that are regulated by the state, unless explicitly authorized to do so by statute. Allows municipalities and counties to maintain certain preexisting regulations relating to credit service organizations. Prohibits counties and municipalities from adopting, enforcing, or maintaining regulations or requirements relating to hiring practices, employee leave, employee benefits, or employee scheduling that exceed or conflict with state or federal regulations. Creates a cause of action for a person to seek declaratory judgment, costs, and attorney's fees from a county or a municipality that adopts or enforces regulations or requirements which are preempted by the state. Waives county and municipal governmental immunity to the extent of the cause of action. Allows a county or municipality to recover costs and attorney's fees for frivolous actions filed against them. *See* AGRIC. CODE §1.004, BUS. & COM. CODE §1.109, CIV. PRAC. & REM. CODE §§102A.001, 102A.002, 102A.003, 102A.004, 102A.005, 102A.006, FIN. CODE §1.004, INS. CODE §30.005, LAB. CODE §1.005, LOC. GOV'T CODE §§51.002, 229.901, NAT. RES. CODE §1.003, OCC. CODE §1.004, PROP. CODE §1.004.

**HB 2129:** Effective 9/1/23.

Allows a person in the business of selling goods or services as a merchant to offer a person suspected of stealing or attempted stealing of property from the merchant an opportunity to complete a certain theft education program instead of reporting the suspected offense to law enforcement. Clarifies that this program does not preclude a peace officer, certain local government attorneys, or a judge from offering a person theft education in compliance with Chapter 124 of the Civil Practice and Remedies Code, Privilege to Investigate Theft. Prohibits requiring a person to make an admission of guilt to participate in the program. Provides that a person who offers or provides the program in compliance with Chapter 124 is not criminally or civilly liable for failure to notify law enforcement of the suspected theft or attempted theft. *See* CIV. PRAC. & REM. CODE §§ 124.001, 124.002, 124.003.



**HB 2308:** Effective 9/1/2023.

Updates Texas Right-to-Farm Law in part to prohibit certain nuisance actions or other action to restrain an agricultural operation against certain agricultural operation lawfully in operation and substantially unchanged for a certain amount of time. *See* AGRIC. CODE §§ 251.003, 251.004, 251.008.

**HB 2371:** Effective 9/1/2023.

In part grants municipalities, after applicable notice and public hearing, to declare a burial plot in a municipal cemetery as presumed abandoned in certain cases and subject to municipal disposal. Creates an appeal process for a person or group in petition of the municipality's decision to declare a plot abandoned. *See* HEALTH & SAFETY CODE §§ 713.012, 713.013. ***See also Government Entity or Political Subdivision.***

**HB 2459:** Effective 9/1/2023.

Replaces a process within the Texas Workforce Commission for the imposition of administrative penalties upon employers who violate laws and rules enforced by the Commission which relate to the employment of a child. Authorizes a child labor investigator of the Commission to issue a preliminary determination order and assess an administrative penalty in an amount up to \$10,000 per violation. Creates an appeal process to appeal a preliminary determination order to a child labor appeal tribunal employed by the Commission. Allows either party to appeal a decision of the tribunal to the Commission and to appeal the Commission's decisions to the district court of the county where the employer resides, if the employer resides in another state, where the employer's principal place of business is located. Specifies that an appeal before the district court is subject to substantial evidence review. Creates procedures for notice, rescission or amendments to the preliminary determination order, removal of an appeal from one tribunal to another or to the commission, rehearing, and payment of administrative penalties. Repeals and recreates authority for the attorney general to seek an injunction against employers who repeatedly violate child employment laws. *See* LAB. CODE §§ 51.033, 51.034, 51.0341, 51.0342, 51.035, 51.0352, 51.0343, 51.0354, 51.0355, 51.0356, 51.036, 51.0361, 51.0362, 51.0363, 51.0364, 51.0367, 51.038, 51.0385, 51.039, 301.0015, 301.006. ***See also Commissions, Committees, Councils, and Task Forces.***

**HB 2545:** Effective 9/1/2023.

Creates confidentiality requirements regarding genetic data and biological samples collected by direct-to-consumer genetic testing companies. Specifies that the results of a consumer's genetic testing are confidential and may not be disclosed without the consumer's express consent. Requires companies to implement measures to ensure that deidentified genetic data is not associated with a particular individual. Requires companies to maintain security programs to protect data from unauthorized access. Requires companies to provide consumers information about the collection, use, and disclosure of genetic data; information on accessing and deleting their data; and information on destroying or requiring the destruction of their biological sample. Requires the consumer's informed consent for a company to disclose genetic data, use genetic data for any purpose other than genetic testing, retain the consumer's biological sample, use genetic data for research purposes, or marketing. Prohibits a company from disclosing a consumer's genetic information to law enforcement or a governmental body without the consumer's express written consent or a warrant or other legal process compelling disclosure.



Prohibits a company from disclosing a consumer's genetic data to a health or life insurance company or the consumer's employer without the consumer's written consent. Imposes a civil penalty not to exceed \$2,500 upon companies for each violation of the bill's requirements. Authorizes the attorney general to bring actions to recover penalties, seek injunctions of violations, and recover attorney's fees and court costs. *See* BUS. & COM. CODE ch. 503A.

**HB 2636:** Effective 6/10/2023.

Provides limitations on liability for owners or operators of recreational vehicle parks or campgrounds for damages arising from recreational or educational activities at the park or campground if there is a clearly visible sign posted on or near the park or campground which warns participants of the limitation of liability. Specifies the wording which must appear on the sign. Provides that there is no limitation on liability for negligence; dangerous conditions on the land, facilities, or equipment used in the activity; failure or inadequate training of employees involved in the activity; or intentionally causing damages to a participant of park or campground activities. *See* CIV. PRAC. & REM. CODE ch. 75B.

**HB 2837:** Effective 9/1/2023.

Creates the Second Amendment Financial Privacy Act. Prohibits a person or entity which facilitates or processes electronic payment transactions, including a payment card issuer or payment card network, from assigning to a merchant, or requiring a merchant to use, a firearms code when selling firearms, ammunition, or firearms accessories. Prohibits a firearms retailer from providing a firearms code to a payment card issuer or payment card network when selling firearms, ammunition, or firearms accessories. Requires a payment card issuer or payment card network to notify the card holder in writing on every occasion that a firearms code is assigned to electronic payment transaction on the payment card holder's account. Authorizes the attorney general to investigate violations of the Act. Requires the attorney general to give written notice of findings of violations to the person or entity in violation not later than the 30th day before bringing an action in court seeking civil penalties. Allows the person or entity to cure the violation. Requires the attorney general to bring an action to recover a civil penalty of \$10,000 for each violation that is not cured, plus attorney's fees and costs. Grants a private cause of action to a person who used a payment card to purchase a firearm, ammunition, or firearm accessory to seek declaratory judgment or an injunction for violations of the Act. *See* BUS. & COM. CODE ch. 610.

**HB 2965:** Effective 9/1/2023.

Provides that Chapter 2272 of the Government Code, relating to claims against a contractor, subcontractor, supplier, or design professional by a government entity alleging a construction defect in a public building or public work, cannot be waived and declares void any purported waiver of the chapter. *See* GOV'T CODE § 2272.0025

**HB 3058:** Effective 9/1/2023.

Limits civil, criminal, and professional liability of certain persons in actions arising from pregnancy complications. *See* CIV. PRAC. & REM. CODE ch. 74, subch. L; OCC. CODE § 164.055; PENAL CODE § 9.35. ***See also* Criminal Law and Procedure.**



**HB 3156:** Effective 9/1/2023.

Provides immunity from liability to an engineering business entity, an officer or employee of an engineering business entity, or an engineer serving as a consultant or subconsultant of the Texas Department of Transportation for personal injuries, property damage, or death arising from their act or omission on a construction or maintenance project of the department, if the entity, officer, employee, consultant, or subconsultant provides only monitoring and inspection services and has no control over construction or safety protocols of contractors, subcontractors, and workers on the project and the person providing monitoring and inspection services substantially complies with their contract with the department. Provides that liability is not limited with regard to gross negligence or willful or wanton conduct. *See* CIV. PRAC. & REM. CODE § 97.003.

**HB 3162:** Effective 9/1/2023.

Revises procedures to address disagreement between an attending physician and a person who is responsible for making medical decisions for or on behalf of a patient regarding end-of-life decisions for the patient when they are incompetent or physically unable to communicate. Requires notice to be provided to the person responsible for the patient's health care decisions. Provides the person the right to have an attorney, physician, and others attend the meeting and the right to address the committee. Requires life-sustaining treatment be provided to the patient during the process for resolving the disagreement and, if the committee agrees life-sustaining treatment should be discontinued, for 25 days after the process is completed. Provides that the 25-day period is to allow the person time to transfer the patient another physician or medical facility which will fulfill the decision of the person on behalf of the patient. Allows a district or county court to issue an order extending the 25-day period as necessary to allow for referral. Revises procedures for the issuance of a do-not-resuscitate orders for patients who are incompetent or physically unable to communicate and creates procedures to revoke do-not-resuscitate orders. Provides immunity from civil liability, criminal sanction, and professional disciplinary action to physicians and other health care providers when acting in good faith in accordance with the procedures created by the bill. *See* HEALTH & SAFETY CODE §§ 166.0445, 166.046, 166.0465, 166.052, 166.054, 166.203, 166.204, 166.205, 166.206, 166.209, 313.004. ***See also Criminal Law and Procedure.***

**HB 3536:** Effective 9/1/2023.

Terminates a tenant's right of possession of leased commercial property and allows the landlord to recover possession of the property if the tenant operated, maintained, or advertised a massage establishment that is not exempt from licensing; has never been licensed; had a license which was suspended, revoked, or refused renewal by the Texas Department of Licensing and Regulation; or was issued a citation, administrative penalty, or other sanction for offenses related to prostitution, trafficking of persons, operating a sexually oriented business, and other offenses. *See* PROP. CODE § 93.013.

**HB 3929:** Effective 9/1/2023.

Authorizes the Supreme Court of Texas to adopt, before September 1, 2025, the Uniform Interstate Depositions and Discovery Act as rules of civil procedure. Contingent upon the court's adoption of those rules by September 1, 2025, repeals Section 20.002 of the Civil Practices and Remedies Code which allows for compulsory appearance and testimony of a witness if a court of another state or foreign jurisdiction issues a mandate, writ, or commission requiring the witness's testimony in this state, either



by written questions or by oral deposition. Continues Section 20.002 in effect if the court does not adopt the Act as rules of civil procedure before September 1, 2025. *See* CIV. PRAC. & REM. CODE § 20.002. ***See also* Supreme Court of Texas and Texas Court of Criminal Appeals.**

**HB 3949:** Effective 6/12/2023.

Expands laws regarding the arbitration of a controversy between members of a nonprofit association or corporation to apply to controversies between the corporation and its members. Further expands those laws to apply to special purpose corporations which are business development corporations and grand lodges. Provides that a provision in the bylaws of a nonprofit corporation which requires arbitration applies to controversies that arise between the corporation and its members. Specifies that a provision mandating arbitration in the bylaws of a special purpose corporation are valid, enforceable and irrevocable and apply to controversy between the members and between the corporation and its members. Excludes homeowners and condominium associations from the arbitration laws. *See* CIV. PRAC. & REM. CODE §§ 173.002, 173.003.

**HB 4142:** Effective 9/1/2023.

Entitles the prevailing party to recover attorney's fees in an action to enforce a lien a motor vehicle mortgagee has on a mortgagor's cause of action or other right of recovery from a third party arising from an accident involving the motor vehicle. *See* PROP. CODE § 61.006.

**HB 4218:** Effective 9/1/2023.

Creates immunity from liability for a seller who rents or leases a motor vehicle with a gross vehicle weight of at least 6,000 and is not manufactured primarily to transport not more than 10 individuals if the liability arises from the failure to retrofit component parts or equipment or for failing to select component parts or equipment included in the vehicle which were not required by federal motor vehicle safety standards at the time the vehicle was manufactured or sold. Provides that the immunity does not apply if the seller fails to comply with a regulation or law, issued after the vehicle was manufactured or sold, which mandates a recall or retrofit of the vehicle. *See* CIV. PRAC. & REM. CODE § 82.009.

**HB 4381:** Effective 9/1/2023.

Requires a trial court to allow a judgment debtor with net worth of less than \$10 million to post alternative security pending appeal, if posting the required amount of money as security would require the judgment debtor to substantially liquidate real and personal property interests used in the debtor's normal course of business. Requires a reduction of the amount of security pending appeal to the court of last resort, if the appellate court reduces the amount of judgment. *See* CIV. PRAC. & REM. CODE § 52.007.

**HB 4635:** Effective 9/1/2023.

Creates civil remedies and enforcement actions related to racketeering and unlawful debt collection offenses created by the bill. Allows the Attorney General, the Department of Public Safety, or a local prosecutor to bring a civil action to enjoin, among other civil remedies, conduct constituting an offense under the bill. Requires the administrative judge of the district court of a county to assign a judge to hear and determine the civil action in an expedited manner. Allows a prosecutor to bring the proceedings in the county where the property was seized. Allows the Attorney General or prosecutor to make a civil





investigative demand for certain evidence or information before filing a civil action or proceeding. Creates a Class A misdemeanor offense resulting from a person's noncompliance of not more than \$4,000. Creates a Class B misdemeanor for a trustee's failure to provide certain information to an investigative agency that has filed a Racketeer Influenced and Corrupt Organizations (RICO) lien notice, civil action, or criminal offense under the bill. Creates three felony offenses related to the use of proceeds derived from racketeering or unlawful debt collection, the acquisition of an interest in property or control of an enterprise through racketeering or unlawful debt collection, or the participation in an enterprise through racketeering or unlawful debt collection, which would be classified as a second-degree felony and would carry an alternative, optional fine under certain circumstances. Establishes a statute of limitation for filing a felony indictment for the offenses. **See also Criminal Law and Procedure.**

**HB 5232:** Effective 9/1/2023.

Creates scaled recovery of civil fines for violations of the Texas Free Enterprise and Antitrust Act. *See* Bus. & Com. CODE § 15.20(a).

**SB 14:** Effective 9/1/2023.

Amends various sections of the Health & Safety Code, Human Resources Code, and Occupations Code related to prohibitions on the provision to certain children of certain gender transition, gender reassignment, or gender dysphoria procedures and treatments. Authorizes the Attorney General to bring against any person the Attorney General believes is committing, has committed, or is about to commit a violation of the prohibition against providing certain procedures or treatments an action to restrain or enjoin the person from violating the prohibition.

**SB 37:** Effective 9/1/2023.

Modifies scope of "failure to report" provision of criminal offense of hazing. Clarifies who may receive certain criminal or civil immunity related to reporting an incident of hazing to certain persons. *See* EDUC. CODE §§ 37.152, 37.155. **See also Criminal Law and Procedure.**

**SB 58:** Effective 9/1/2023.

Prohibits a person, for commercial purposes, from selling, using, or causing to be used any technology, device, or software in the sale of certain goods on a website that functions as a bypass in the online purchasing process. Authorizes the Attorney General to investigate a claim that a person violated this prohibition and to seek injunctive relief to restrain or enjoin the person from committing the violation. *See* BUS. & COM. CODE ch. 328.

**SB 497:** Effective 9/1/2023.

Adds a new chapter to the Health and Safety Code relating to the manufacture, distribution, and sale of kratom products (Texas Kratom Consumer Health and Safety Protection Act). Makes it a Class C misdemeanor offense for a person to distribute, sell, or expose for sale a kratom product to an individual younger than 18 years of age. Makes a person who violates the new chapter subject to a civil penalty. *See* HEALTH & SAFETY CODE ch. 444. **See also Criminal Law and Procedure.**



**SB 691:** Effective 9/1/2023.

Phases in new standards for meat purchasing and consumption in Texas that align with USDA guidelines already in practice, which allow for custom exemptions which bypass state inspection for all meat being processed for livestock co-owners. Authorizes consumers in Texas to enter into an animal share, functioning as co-owners of livestock. Defines the term “animal share” and outlines circumstances under which inspection of livestock before slaughter and inspection of the preparation of meat and meat food products do not apply. Prohibits a person from selling, donating, or commercially redistributing meat or meat food products produced in accordance with this section. Provides that a person who violates this subsection is liable to this state for a civil penalty in the amount of \$10,000 for each violation. Authorizes the attorney general to bring an action to recover a civil penalty authorized under this subsection and to recover reasonable expenses incurred in obtaining the civil penalty, including court costs, attorney’s fees, investigative costs, witness fees, and deposition expenses. *See HEALTH & SAFETY CODE §§ 433.0065, 433.024(b).*

**SB 745:** Effective 9/1/2023.

Expands the scope of the Texas Medicaid Fraud Prevention Act. Authorizes Attorney General to investigate and pursue civil enforcement actions to deter certain fraudulent conduct and to recover certain funds. *See CODE CRIM. PROC. art. 39.026; HUM. RES. CODE §§ 36.001, 36.002, 36.003, 36.005, 36.008, 36.052, 36.054, 36.055, 36.132.*

**SB 943:** Effective 9/1/2023.

Requires a newspaper that publishes a legal notice to publish that notice on the newspaper’s public Internet website and require that notice to also be published in a database maintained by the Texas Press Association. *See GOV’T CODE § 2051.054.*

**SB 1180:** Effective 5/24/2023.

Creates a process for determining whether a claim filed by a sexually violent predator who has been civilly committed and who has filed an affidavit or declaration of inability to pay costs should be dismissed as a false, frivolous, or malicious claim. Authorizes a court to hold a hearing to make the determination or to determine if the claim of indigency is false on the motion of the court, a party, or the clerk of the court. Specifies criteria for making the determination and specifies information which the civilly committed individual must file. Permits hearing to be conducted by videoconference, a copy of which may serve as the record, and witnesses may testify by written statements under oath or by unsworn declaration. Permits a court to order the civilly committed individual to pay court fees, court costs, and other costs., Requires the court, upon finding the claim had previously been found to be false or malicious, to order the plaintiff to pay court costs and fees plus costs of serving process, postage, transportation, housing, and medical care incurred in connection with the plaintiff’s appearance in court. Creates a procedure for the Texas Civil Commitment Office or its contracted facility holding plaintiff to withhold moneys from the plaintiff’s account until costs are paid in full or until plaintiff is no longer under commitment. Bars a plaintiff who has not paid ordered costs in full from filing another action, subject to limited exceptions. Requires the Supreme Court to adopt rules to create a system to refer suits from civilly committed individuals to a magistrate. *See CIV. PRAC. & REM. CODE ch. 14A. **See also Supreme Court of Texas and Texas Court of Criminal Appeals.***



**SB 1259**: Effective 9/1/2023.

Increases the maximum judgment amount that may be awarded by a justice court in a case involving the repair or remedy of conditions of a residential rental property from \$10,000 to \$20,000, excluding interest and costs of court. *See* PROP. CODE § 92.0563(e). ***See also* Justice Courts and Municipal Courts.**

**SB 1527**: Effective 9/1/2023.

Amends various sections of code to address human trafficking. Makes Penal Code provisions relating specifically to the trafficking of a child applicable also to the trafficking of a disabled individual. Enhances the penalty for solicitation of prostitution in certain circumstances. Expands the conduct prohibited under the offense of compelling prostitution to include compelling the prostitution of a disabled person. Amends the statute of limitations in civil and criminal cases for certain compelled prostitution. Revises the applicability of provisions establishing the admissibility of hearsay statements of certain abuse victims and establishing the admissibility of evidence of extraneous offenses or acts in the prosecution of certain felony offenses. *See* PENAL CODE §§ 20A.01, 20A.02, 43.021, 43.05; CIV. PRAC. & REM. CODE § 16.0045; and CODE CRIM. PROC. arts. 12.01, 38.072, 38.37, 62.101. ***See also* Criminal Law and Procedure.**

**SB 1602**: Effective 9/1/2023.

Requires action against social media platforms established in Civil Practice and Remedies Code ch. 143A to be brought and maintained in a court in Texas. *See* CIV. PRAC. & REM. CODE § 143A.0035. ***See also* Jurisdiction and Venue.**

**SB 1603**: Effective 9/1/2023.

Provides that, where a court of appeals does not accept an interlocutory appeal of an order that involves certain controlling questions of law on which there is substantial ground for difference of opinion where the appeal from the order may materially advance the ultimate termination of the litigation, the appeals court must state in its decision the specific reason for finding the appeal is not warranted. Authorizes the Texas Supreme Court to review an appeals court decision not to accept an interlocutory appeal under an abuse of discretion standard. *See* CIV. PRAC. & REM. CODE § 51.014. ***See also* Civil Law and Procedure; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**SB 1639**: Effective 9/1/2023.

Prohibits the creation or use of “bots” (certain automated software programs designed to impersonate or replicate human activity online) for certain purposes relating to online ticket sales. Authorizes the Attorney General to bring an action in the name of the state to restrain or enjoin a person from violating these prohibitions. Authorizes certain civil penalties. *See* BUS. & COM. CODE ch. 328.

**SB 2171**: Effective 9/1/2023.

Amends definition of “expert” for expert witness purposes in malpractice suits involving chiropractic care. *See* CIV. PRAC. & REM. CODE §§ 74.351, 74.403.



## Clerks

**HB 616:** Effective 9/1/2023.

Requires district clerks to complete at least one hour of the 20 hours of initial instruction and of continuing education courses on the proper impaneling of petit and grand juries. *See* GOV'T CODE § 51.605(e).

**HB 767:** Effective 9/1/2023.

Provides for the entry into the Texas Crime Information Center of information relating to condition of bond on a defendant in cases involving stalking and establishes the duties of magistrates, sheriffs, court clerks, and the Department of Public Safety related to the entry of that information. *See* CODE CRIM. PROC. art. 17.50 (b)(f). ***See also* Bail; Criminal Law and Procedure; Magistrate Duties.**

**HB 841:** Effective 9/1/2023.

Requires the Texas Judicial Council to collect case-level data from state judges and other court officials. Requires the Judicial Council to adopt rules on case-level data collection. *See* GOV'T CODE § 71.035. ***See also* Commissions, Committees, Councils, and Task Forces; Office of Court Administration.**

**HB 1195:** Effective 6/9/2023.

Authorizes, regardless of a county's population size, county and district clerks who allow for electronic filing or recording of documents or other instruments to require a photo identification when a person presents a document or other instrument for filing or recording, including a document or instrument related to real property, or requests or obtains an officio service or other public service provided by the clerk. *See* LOC. GOV'T CODE §§ 191.010(b), 191.011.

**HB 1989:** Effective 9/1/2023.

Prohibits a district clerk from charging a criminal justice agency a fee for a copy of any document on file or of record in the clerk's office relating to an individual's criminal history, if the document is requested for a criminal justice purpose, including the purpose of determining an individual's eligibility to purchase a firearm, and regardless of whether the document is certified. *See* GOV'T CODE § 51.318(e), (f). ***See also* Costs, Fees, Fines, and Collections.**

**HB 2015:** Effective 9/1/2023.

Raises the age at which a person qualifies for a permanent jury service exemption from age 70 to age 75. *See* GOV'T CODE §§ 62.106, 62.107, 62.108. ***See also* Administration of the Courts; County Courts and District Courts; Jury Service and Grand Jury Service; Justice Courts and Municipal Courts.**

**HB 2251:** Effective 9/1/2023.

Requires clerks of the court, county judges, justices of the peace, sheriffs, constables, and marshals who have been provided a computerized case and financial management system by their counties to use them to maintain a record of each fee or cost charged in criminal actions or proceedings. Requires the officer to print a hard copy of the record and present it to the defendant to fulfill a statutory requirement for charging the defendant the fees and costs. *See* CODE CRIM. PROC. art. 103.009. ***See also* Administration**



## **of the Courts; Costs, Fees, Fines, and Collections; County Courts and District Courts; Justice Courts and Municipal Courts.**

**HB 2800**: Effective 9/1/2023.

Requires meetings of county election boards to be held in person and open the public. Requires county clerks to post notice of each meeting on the county's Internet website no later than 48 hours before the meeting, if the county maintains a website. *See* ELEC. CODE §51.002.

**HB 3603**: Effective 12/1/2023.

Requires the Texas Department of Criminal Justice (TDCJ) to transmit restitution payments collected from a releasee to the clerk of the court that ordered the restitution. Makes clerk responsible for remitting the payment to the victim. *See* GOV'T CODE § 508.322(c), (d), (e), (f).

**HB 4123**: Effective 6/13/2023.

Updates various statutes related to criminal background check requirements relating to access to and use of information. Requires clerk of the county having venue for guardianship appointment proceedings to obtain criminal history record information that is maintained by DPS or the FBI identification division relating to any person proposed to serve as a guardian under Title 3, Estates Code. Creates exception to information gathering by clerk.

**HB 4250**: Effective 9/1/2023.

Authorizes a clerk of the court to withhold from the excess proceeds from the tax sale of property an amount necessary to pay the cost of postage to send notice to the former owner of the property of the existence and amount of excess proceeds and of the right to claim them. *See* TAX CODE § 34.03.

**HB 4520**: Effective 9/1/2023.

Requires that a court clerk provide written notice to the State Board of Educator Certification (Board) or the chief administrative office of a private school if an educator is convicted or placed on deferred adjudication community service for the offense of obscenity. Requires the Board to revoke and provide the basis for revocation to a school district or open-enrollment charter school, if an educator is convicted or placed on deferred adjudication community supervision for the offense of obscenity. Adds obscenity as a qualifying felony to make certain employees and annuitants ineligible for retirement annuity. *See* CODE CRIM. PROC. art. 42.018; EDUC. CODE § 21.058; GOV'T CODE § 824.009.

**SB 380**: Effective 5/23/2023.

Provides that a party to a proceeding in a court who files a statement of inability to afford payment of court costs is not required to provide an interpreter at the party's expense or pay certain associated costs unless the statement has been contested and the court has ordered the party to pay costs. Requires each county auditor or other designated individual, in consultation with the district and county clerks, to submit to the Office of Court Administration (OCA), in a manner prescribed by OCA, information on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil and criminal proceedings. Specifies what information must be included in the submission. Requires OCA to submit to the legislature, no later than December 1 of each year,





a report that aggregates by county the information submitted for the preceding year. Requires OCA to publish the report on its website. See Gov'T CODE § 57.002(g), (h). **See also Administration of the Courts; Office of Court Administration.**

**SB 599:** Effective 9/1/2023.

Adds a district or county clerk to the list of individuals who could establish handgun proficiency by obtaining a sworn statement from an instructor approved by the Texas Commission on Law Enforcement that indicated that the person demonstrated proficiency in the use of handguns and includes a district or county clerk among those to whom the Department of Public Safety (DPS) is required to issue a handgun license if the person met the requirements of an active judicial officer. Waives any fee required for the issuance of such a license to a district or county clerk. Provides that prohibitions for unlawful carrying of weapons and places where certain weapons are prohibited would not apply to a district or county clerk who was carrying a handgun that the clerk was licensed to carry. See Gov'T CODE §§ 411.1882(a), 411.201, 411.201(h), 46.15(a). **See also Courthouse Security and Judicial Privacy.**

**SB 728:** Effective 9/1/2023.

Requires court clerks to report the following information to the Department of Public Safety (DPS), which maintains the responsibility of reporting to the National Instant Criminal Background Check System (NICS): juveniles aged 16 or older found unfit to proceed, found not responsible, receiving court-ordered mental health services, or admitted to a residential care facility due to intellectual disability or mental illness in a delinquency proceeding. Enables DPS to audit the records contained in NICS and request the reporting court to complete a request for additional information, if a record is determined to be incomplete or invalid. See Gov'T CODE §§ 411.052(a), 411.0521, 411.0521(a); FAM. CODE 58.007(a).

**SB 1612:** Effective 1/1/2024, except Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, and 27(a) take effect September 1, 2023.

Amends and repeals various sections of the Estates Code, Family Code, Government Code, Local Government Code, and Code of Criminal Procedure relating to standardization of court administration procedures, costs, and certain filing fees. **See also Administration of the Courts; Costs, Fees, Fines, and Collections; Family Law; Probate, Trusts, and Estates.**

**SB 1730:** Effective 9/1/2023.

Authorizes district clerks to sell and to distribute money orders for passport application payments. See Gov'T CODE § 51.3031.

## Commissions, Committees, Councils, and Task Forces

**HB 367:** Effective 9/1/2023.

Allow the State Commission on Judicial Conduct to accept complaints, conduct investigations, and take other authorized actions with respect to candidates for judicial office in the same manner the



commission is authorized to take those actions with respect to a judge. *See* Gov'T CODE § 33.02105. ***See also County Courts and District Courts; Justice Courts and Municipal Courts.***

**HB 409**: Effective 9/1/2023.

Expands and modifies composition of board governing the Texas Indigent Defense Commission. *See* Gov'T CODE §§ 79.014, 79.016. ***See also Indigent Defense.***

**HB 841**: Effective 9/1/2023.

Requires the Texas Judicial Council to collect case-level data from state judges and other court officials. Requires the Judicial Council to adopt rules on case-level data collection. *See* Gov'T CODE § 71.035. ***See also Clerks; Office of Court Administration.***

**HB 1182**: Effective 9/1/2023.

Requires the Texas Judicial Council to gather judicial statistics, including for each trial court in Texas monthly court activity statistics and case-level information on the amount and character of business transacted by the court. *See* TEX. GOV'T CODE § 71.035.

**HB 2384**: Effective 9/1/2023.

Requires candidates for judicial offices in the appellate courts, district courts, and statutory county courts to disclose their membership number in the State Bar of Texas plus any other state where they have held a license as an attorney, any disciplinary sanction imposed by the bar or the bar of another state, certain criminal convictions, the nature of their practices, and information regarding their experiences as litigators or appellant attorneys. Specifies that any sanction the State Commission on Judicial Conduct imposes on a justice or judge for making a false declaration on an application to run for judicial office is a public record. Allows the state bar to sanction an attorney who made a false declaration on an application to run for judicial office. Requires the Supreme Court to adopt rules requiring each justice and judge to complete at least 30 hours of judicial training during their first year in office and to complete at 16 hours of training during each subsequent year in office, subject to exceptions for medical or physical disability. Creates a process for the Commission on Judicial Conduct to suspend a judge who is not in compliance with continuing education requirements until the judge becomes compliant. Creates a process for the removal of a judge who is not compliant with the education requirements for longer than one year. Requires the director of the Office of Court Administration to develop standards to identify courts that need additional assistance to promote the efficient administration of justice. Allows presiding judges to appoint a judicial mentor or arrange for additional administrative personnel for courts identified as needing assistance. Requires the Office of Court Administration to annually report on disaggregated performance measures for each appellate court, district court, statutory county court, statutory probate court, and county court. Requires the office to collect and report on each trial court's performance on the following performance measures: clearance rate, average time a case is before the court, age of court's active pending case load. Requires the Supreme Court of Texas to adopt rules to establish the specialty certification for attorneys in the practice of judicial administration. *See* ELEC. CODE § 141.0311; Gov'T CODE §§ 33.032, 39.001, 39.002, 39.003, 39.004, 72.024, 72.082, 72.083, 74.046, 81.075, 82.101. ***See also Elections and Lobbying; Judicial Education; Office of Court Administration; Supreme Court of Texas and Texas Court of Criminal Appeals.***



**HB 2459:** Effective 9/1/2023.

Replaces a process within the Texas Workforce Commission for the imposition of administrative penalties upon employers who violate laws and rules enforced by the Commission which relate to the employment of a child. Authorizes a child labor investigator of the Commission to issue a preliminary determination order and assess an administrative penalty in an amount up to \$10,000 per violation. Creates an appeal process to appeal a preliminary determination order to a child labor appeal tribunal employed by the Commission. Allows either party to appeal a decision of the tribunal to the Commission and to appeal the Commission's decisions to the district court of the county where the employer resides, if the employer resides in another state, where the employer's principal place of business is located. Specifies that an appeal before the district court is subject to substantial evidence review. Creates procedures for notice, rescission or amendments to the preliminary determination order, removal of an appeal from one tribunal to another or to the commission, rehearing, and payment of administrative penalties. Repeals and recreates authority for the attorney general to seek an injunction against employers who repeatedly violate child employment laws. *See* LAB. CODE §§ 51.033, 51.034, 51.0341, 51.0342, 51.035, 51.0352, 51.0343, 51.0354, 51.0355, 51.0356, 51.036, 51.0361, 51.0362, 51.0363, 51.0364, 51.0367, 51.038, 51.0385, 51.039, 301.0015, 301.006. ***See also Civil Law and Procedure.***

**HB 3506:** Effective 9/1/2023.

Requires the Texas Forensic Science Commission to adopt various rules regarding DNA database record storage, upload, access, and removal. *See* CODE CRIM. PROC. art. 38.01; GOV'T CODE §§ 411.141, 411.142, 411.1431

**SB 2106:** Effective 9/1/2023.

Requires the Supreme Court of Texas to adopt rules on ineligibility to renew a certification, registration, or license issued by the Judicial Branch Certification Commission (JBCC). Provides additional factors for the JBCC to consider when determining appropriate disciplinary sanctions for licensees who violate the laws and rules of the Commission. *See* GOV'T CODE §§ 152.203, 153.004. ***See also Supreme Court of Texas and Texas Court of Criminal Appeals.***

**SB 2120:** Effective 9/1/23.

Amends various sections of the Government Code to allow the Texas Indigent Defense Commission to provide services for the funding, oversight, and improvement of court-appointed legal counsel for children and indigent parents in child protection cases filed by the Department of Family and Protective Services. Amends the Family Code to require reporting from attorney ad litem and increased the legal experience requirement for chief counsels of an office of child or parent representation. *See* GOV'T CODE § 79.001; FAM. CODE § 107. ***See also Associate Judges and Magistrates; Family Law.***

**SB 2479:** Effective 9/1/23.

Amends various sections of the Health and Safety Code and Code of Criminal Procedure related to mental health. Amended the Code of Criminal Procedure to reconcile the conflict created to offenses that are eligible for personal bonds and offenses that allow for a mental health personal bond. Allows for, but does not require, a magistrate who receives credible information that may establish reasonable cause to believe that a Class C Misdemeanor defendant has a mental illness or is a person with an intellectual



disability to order a mental health service provider to conduct an interview. Allows for licensed mental health professionals, in addition to physicians, who may request an electronic warrant for an emergency mental health detention. *See* HEALTH & SAFETY CODE § 573.012; CODE CRIM. PROC. arts. 16.22, 17.03. ***See also* Bail; Guardianship and Mental Health; Justice Courts and Municipal Courts; Magistrate Duties.**

## Costs, Fees, Fines, and Collections

**HB 1989**: Effective 9/1/2023.

Prohibits a district clerk from charging a criminal justice agency a fee for a copy of any document on file or of record in the clerk's office relating to an individual's criminal history, if the document is requested for a criminal justice purpose, including the purpose of determining an individual's eligibility to purchase a firearm, and regardless of whether the document is certified. *See* GOV'T CODE § 51.318(e), (f). ***See also* Clerks.**

**HB 2251**: Effective 9/1/2023.

Requires clerks of the court, county judges, justices of the peace, sheriffs, constables, and marshals who have been provided a computerized case and financial management system by their counties to use them to maintain a record of each fee or cost charged in criminal actions or proceedings. Requires the officer to print a hard copy of the record and present it to the defendant to fulfill a statutory requirement for charging the defendant the fees and costs. *See* CODE CRIM. PROC. art. 103.009. ***See also* Administration of the Courts; Clerks; County Courts and District Courts; Justice Courts and Municipal Courts.**

**HB 4085**: Effective 9/1/2023.

Allows the state or a county to pay filing fees and court costs for hearings and proceedings relating to a person committed to a private mental hospital. Requires a judge presiding over hearings relating to a patient committed to an inpatient mental health facility to order the clerk to refund court costs to the facility, if it is operated or licensed by the Department of State Health Services, is a local mental health authority or is under contract with the department or the authority and the facility has received no reimbursement for the treatment of the patient, other than reimbursement from Medicaid. *See* HEALTH & SAFETY CODE § 571.018.

**SB 569**: Effective 9/1/2023.

Entitles a municipality to impose a record production or certification fee in the same amount and manner provided by the Public Information Act for a copy of public information on receipt of a request for production or certification of a record under a subpoena, or other instrument issued by court order that compels the production or certification. *See* CIV. PROC. & REM. CODE § 22.004.

**SB 1612**: Effective 1/1/2024, except Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, and 27(a) take effect September 1, 2023.

Amends and repeals various sections of the Estates Code, Family Code, Government Code, Local Government Code, and Code of Criminal Procedure relating to standardization of court administration



procedures, costs, and certain filing fees. **See also Administration of the Courts; Clerks; Family Law; Probate, Trusts, and Estates.**

## County Courts and District Courts

**HB 103:** Effective 9/1/2023.

Expands who may serve as a visiting judge in a constitutional county court. Makes a person who has served as an active judge for at least 96 months in a constitutional county court, or 48 months if the person is a licensed attorney, eligible to serve as a visiting judge in a constitutional county court. Makes a person who has served as an active judge for at least 48 months in a statutory probate court eligible to serve as a visiting judge in a constitutional county court. *See* GOV'T CODE §§ 26.012, 26.020, 26.023(a), 26.024(a), 25.0022(t-1).

**HB 367:** Effective 9/1/2023.

Allow the State Commission on Judicial Conduct to accept complaints, conduct investigations, and take other authorized actions with respect to candidates for judicial office in the same manner the commission is authorized to take those actions with respect to a judge. *See* GOV'T CODE § 33.02105. **See also Commissions, Committees, and Task Forces; Justice Courts and Municipal Courts.**

**HB 1285:** Effective 1/1/2024.

Amends Chapter 41 of the Tax Code, relating to Local Review, to allow the board of directors of an appraisal district to refer a procedural complaint to the local administrative district judge. *See* TAX CODE ch. 41.

**HB 2015:** Effective 9/1/2023.

Raises the age at which a person qualifies for a permanent jury service exemption from age 70 to age 75. *See* GOV'T CODE §§ 62.106, 62.107, 62.108. **See also Administration of the Courts; Clerks; Jury Service and Grand Jury Service; Justice Courts and Municipal Courts.**

**HB 2251:** Effective 9/1/2023.

Requires clerks of the court, county judges, justices of the peace, sheriffs, constables, and marshals who have been provided a computerized case and financial management system by their counties to use them to maintain a record of each fee or cost charged in criminal actions or proceedings. Requires the officer to print a hard copy of the record and present it to the defendant to fulfill a statutory requirement for charging the defendant the fees and costs. *See* CODE CRIM. PROC. art. 103.009. **See also Administration of the Courts; Clerks; Costs, Fees, Fines, and Collections; Justice Courts and Municipal Courts.**

**HB 3474:** Effective 9/1/2023, except: Article 15 takes effect 6/13/2023; Sections 1.011, 2014, 2.015, 2.018, and 2.019 take effect 10/1/2023; Sections 1.014 and 1.015 take effect 10/1/2024; and Sections 1.009 and 1.016 take effect 10/1/2025.

Amends and repeals various provisions of code as it relates to the operation of the judiciary, including the docket preferences, terms of court, jurisdiction, where courts may sit, docket sharing, judge assignment,





case diversion, case referral, case transfer, filing of oaths, service of process, document delivery, the operation of various proceedings, and juror qualification, summons, and exemptions. Creates new judicial districts in Denton County, Harris County, Kaufman County, Collin County, Bastrop County, Brazos County, Kendall County, and Edwards, Gillespie, and Kimball counties. Creates probate courts in Travis County, Harris County, and Bexar County. Creates statutory county court in Waller County and Wilson County, and multicounty statutory county court in Bee, Live Oak, and McMullen counties. Permits appointment of various criminal magistrates. Sets certain travel expense entitlements. Amends various sections of the Government Code related to salaries of certain judges and prosecutors, including years of service in determining judicial salary for certain groups. Adjusts salaries of state-employed associate judges appointed under Subchapters B and C, Chapter 201, Family Code. Requires the Office of Court Administration to conduct a district court caseload analysis and report from time to time. Adjusts juror reimbursement rates. Makes conforming amendments. **See also Administration of the Courts; Associate Judges and Magistrates; Judicial Compensation; Jurisdiction and Venue; Jury Service and Grand Jury Service; New Courts; Office of Court Administration.**

**HB 3917:** Effective 9/1/2023.

Requires a county, justice, or municipal court to dismiss a charge against a parent alleging they committed the offense of failing to require their child to attend school if the parent enters into an agreement with the school district and fulfills the terms of the agreement. Authorizes the Texas Education Agency to adopt rules and materials to create standardized form agreements; recommend state and local counseling, training, and other programs which may be required under an agreement, including faith-based counseling or training programs or instruction on identifying problems which contribute to unexcused absences and strategies to address those problems. *See* CODE CRIM. PROC. art. 45.0531; EDUC. CODE § 25.094. **See also Criminal Law and Procedure; Justice Courts and Municipal Courts.**

**SB 372:** Effective 9/1/2023.

Requires the Supreme Court to adopt rules regarding non-public judicial work product confidentiality. Requires a person, other than a justice or judge, who is involved in crafting an opinion or decision for an adjudicatory proceeding, including a court staff attorney, court clerk, or law clerk, to maintain the confidentiality of all non-public judicial work product (as defined by the bill) in accordance with Supreme Court rules. Requires a justice or judge of a court to comply with Supreme Court rules governing confidentiality of non-public judicial work product. Makes it a Class A misdemeanor offense for a person, other than a justice or judge, with access to non-public judicial work product to knowingly disclose, wholly or partly, the contents of any non-public judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, certain state agency employees, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding. Provides certain defense to prosecution under new provision created by bill. *See* GOV'T CODE § 21.013. **See also Appellate Courts; Criminal Law and Procedure; Justice Courts and Municipal Courts; Supreme Court of Texas and Texas Court of Criminal Appeals.**



## Courthouse Security and Judicial Privacy

**HB 2291:** Effective 9/1/2023.

Exempts retired judges and justices who are licensed to carry a handgun from statutory restrictions on the possession of firearms on or around certain locations. *See* PENAL CODE § 46.15. ***See also Other Laws and Regulations.***

**SB 271:** Effective 9/1/2023.

Revises the scope of state cybersecurity incident procedures to cover certain local government bodies. Expands the incidents that require notification by state agencies and certain local government bodies to the Department of Information of Resources (DIR) to include all “security incidents,” defined by the bill as a breach or suspected breach of system security and the introduction of ransomware into a computer, computer network, or computer system. Requires state agencies and local government bodies to comply with DIR rules relating to reporting security incidents. *See* GOV'T CODE § 2054.603. ***See also Government Entity or Political Subdivision; Office of Court Administration.***

**SB 599:** Effective 9/1/2023.

Adds a district or county clerk to the list of individuals who could establish handgun proficiency by obtaining a sworn statement from an instructor approved by the Texas Commission on Law Enforcement that indicated that the person demonstrated proficiency in the use of handguns and includes a district or county clerk among those to whom the Department of Public Safety (DPS) is required to issue a handgun license if the person met the requirements of an active judicial officer. Waives any fee required for the issuance of such a license to a district or county clerk. Provides that prohibitions for unlawful carrying of weapons and places where certain weapons are prohibited would not apply to a district or county clerk who was carrying a handgun that the clerk was licensed to carry. *See* GOV'T CODE §§ 411.1882(a), 411.201, 411.201(h), 46.15(a). ***See also Clerks.***

## Criminal Law and Procedure

**HB 6:** Effective 9/1/2023.

Requires the medical certification on a death certificate to include the term “Fentanyl Toxicity” in certain circumstances. Increases the criminal penalties for the manufacturing or delivery of fentanyl, expands the conduct constituting murder, and creates two criminal offenses involving the manufacture or delivery of certain opioids. *See* HEALTH & SAFETY CODE § 193.005; PENAL CODE §§ 19.02, 71.02; HEALTH & SAFETY CODE sub. D, ch. 481.

**HB 28:** Effective 9/1/2023.

Increases the penalty for the offense of aggravated assault from a second-degree felony to a first-degree felony in cases where the actor used a deadly weapon during the assault and caused a traumatic brain or spine injury to another that resulted in a persistent vegetative state or irreversible paralysis. *See* PENAL CODE § 22.02(b).



**HB 55:** Effective 9/1/2023.

Enhances the penalty for indecent assault from a Class A misdemeanor to a state jail felony if the defendant has been previously convicted of indecent assault or is a health care services or mental health services provider and the act is committed during the course of providing a treatment or service that is beyond the scope of generally accepted practices. Enhances the penalty to a third-degree felony if the defendant has been previously convicted of the offense involving such conduct as a health care services provider or mental health services provider. *See* PENAL CODE § 22.012.

**HB 165:** Effective 9/1/2023.

Increases the penalty for aggravated assaults occurring as part of a mass shooting to a first-degree felony and requires the stacking of sentences upon conviction. *See* PENAL CODE §§ 1.07(a), 3.03, 3.04(c), 22.02(b).

**HB 242:** Effective 9/1/2023.

Provides civil and criminal legal protection for those who donate and distribute feminine hygiene products in good faith. *See* CIV. PRAC. & REM. CODE ch. 89A. ***See also Civil Law and Procedure.***

**HB 393:** Effective 9/1/2023.

Requires defendants convicted of intoxication manslaughter to pay restitution for the support of any child of the victim until the child reaches 18 years of age or graduates from high school, whichever is later. Provides that the court will determine the amount to be paid monthly for the support of the child or children. *See* CODE CRIM. PROC. art. 42.0375.

**HB 420:** Effective 9/1/2023.

Increases the penalty for purchasing an alcoholic beverage for or giving an alcoholic beverage to a minor if the minor, as a result of consuming the alcoholic beverage, causes another person to suffer serious injury or death. Increases penalty from a Class A misdemeanor to a state jail felony. *See* ALCO. BEV. CODE § 106.06.

**HB 446:** Effective 9/1/2023.

Amends various statutes regarding the terminology used for individuals with intellectual disabilities. ***See also Civil Law and Procedure; Family Law; Guardianship and Mental Health; and Juvenile Justice.***

**HB 467:** Effective 9/1/2023.

Extends the statute of limitations period for misdemeanor assault and for felony assault committed against family members or against victims who may have various types of relationships with the defendant. *See* CODE CRIM. PROC. arts. 12.01, 12.02.

**HB 541:** Effective 9/1/2023.

Expands the organizations to which a defendant under community supervision may make a donation in lieu of performing community service to include any charitable organization engaged primarily in performing support and charity for veterans or defendants on community supervision in the defendant's



community and a veterans county service office operating in the defendant's county. *See* CODE CRIM. PROC. arts. 42A.304(f), 42A.032(c).

**HB 598:** Effective 9/1/2023.

Creates the criminal offense of possession of an animal by a person who has been previously convicted of an offense involving animal cruelty. *See* PENAL CODE § 42.107.

**HB 611:** Effective 9/1/2023.

Creates misdemeanor offense of unlawful disclosure of a residence address or telephone number. *See* PENAL CODE § 42.074.

**HB 767:** Effective 9/1/2023.

Provides for the entry into the Texas Crime Information Center of information relating to condition of bond on a defendant in cases involving stalking and establishes the duties of magistrates, sheriffs, court clerks, and the Department of Public Safety related to the entry of that information. *See* CODE CRIM. PROC. art. 17.50 (b)(f). ***See also* Bail; Clerks; Magistrate Duties.**

**HB 844:** Effective 9/1/2023.

Amends the definition of "traffic" for purposes of the offense of tracking of persons to include conduct to solicit or patronize another person. *See* CODE CRIM. PROC. art. 56B.0035.

**HB 898:** Effective 9/1/2023.

Increases the punishment for failing to move over or slow down when approaching emergency vehicles, law enforcement, tow trucks, utility service vehicles, TxDot vehicles, or other construction or maintenance vehicles using visual signals or flashing lights activated on the roadside. Allows courts to suspend a person's driver's license for up to six months if the person has been previously convicted of the offense. *See* TRANSP. CODE § 545.157.

**HB 914:** Effective 9/1/2023.

Expands the conduct constituting the offense of tampering with a governmental record to include tampering with a temporary vehicle registration tag or a temporary dealer or manufacturer license plate and makes the conduct punishable as a Class A misdemeanor regardless of intent. *See* CODE CRIM. PROC. art. 14.06(d), PENAL CODE §§ 37.01(2), 37.10(c).

**HB 1163:** Effective 9/1/2023.

Creates a new offense of boating while intoxicated with a child passenger punishable as a state jail felony. Enhances an offense to a third-degree felony based on prior convictions for similar intoxication-related offenses, which will make it comparable to a DWI with a child passenger. Prohibits defenses based on authorized use of certain substances. Authorizes courts to impose the installation of an interlock device as a condition of community supervision for the offense, and in certain instances requires it. Authorizes any magistrate who is an attorney to issue a search warrant to collect a blood specimen from a person arrested for this offense. Prohibits courts from granting deferred adjudication for this offense. Permits a person to apply for an award if the person furnishes information leading to the arrest and capture of a



person for this offense. Amends sections of the Transportation Code relating to license suspension and authorizes a peace officer to require a breath or blood specimen in some cases. *See* CODE CRIM. PROC. art. 42A; PARKS & WILD. CODE § 12.203; TRANSP. CODE ch. 524, § 724.012.

**HB 1207:** Effective 9/1/2023.

Extend the statute of limitations from three years to no limitation for tampering with or fabricating physical evidence if the evidence tampered with is a human corpse or related in certain circumstances to a criminal homicide. *See* CODE CRIM. PROC. art. 12.01.

**HB 1221:** Effective 9/1/2023.

Requires the Texas Department of Criminal Justice (TDCJ) to file a claim for unclaimed property on behalf of a victim of a criminal offense if the reported owner of the unclaimed property was convicted and ordered to pay restitution to his or her victim and is confined in a TDCJ facility based on that conviction. Requires a county to forward any restitution received from TDCJ to the victim or the compensation to victims of crime fund. Requires withdrawals-from-an-inmate's-funds requests to specify the amount of restitution owed on the date of the request. *See* GOV'T CODE §§ 493.035, 501.014; CODE CRIM. PROC. art. 42.037.

**HB 1227:** Effective 9/1/2023.

Makes a person convicted of possessing or promoting child pornography ineligible to receive judge-ordered community supervision. *See* CODE CRIM. PROC. art. 42A.054(a).

**HB 1243:** Effective 9/1/2023.

Enhances the penalty for the offense of Illegal Voting, making the offense a second-degree felony unless the person is convicted of an attempt, in which case the offense is a state jail felony. *See* ELEC. CODE § 64.012.

**HB 1427:** Effective 9/1/2023.

Expands the criminal offense of harassment to include obscene, intimidating, or threatening phone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means. *See* PENAL CODE § 42.07.

**HB 1442:** Effective 9/1/2023.

Increases the punishment for the offense of obstructing a highway or passageway if committed while operating a motor vehicle and engaging in a reckless driving exhibition and the offense of racing on a highway if the offense is committed while engaging in certain organized criminal activities. Makes property and proceeds related to such offenses subject to asset forfeiture. *See* PENAL CODE §§ 42.03, 59.01(2), 71.02(a).

**HB 1506:** Effective 9/1/2023.

Increases the statute of limitations for the offense of abandoning or endangering a child from 5 years to 10 years after the victim's 18th birthday. *See* CODE CRIM. PROC. art. 12.01.





**HB 1577:** Effective 9/1/2023.

Makes an inmate convicted of certain felony assault offenses ineligible for release to mandatory supervision. *See* GOV'T CODE § 508.149.

**HB 1589:** Effective 9/1/2023.

Adds certain violations of court orders and bond conditions to the applicable offenses that enhance the criminal penalty for family violence related assault. Enhances from a Class A misdemeanor to a third-degree felony the penalty for assault against a person with whom the defendant had a family, dating, or household relationship or association if the defendant was convicted of violating or repeatedly violating certain court orders or bond conditions by committing family violence. Enhances the penalty to a second-degree if the defendant had been previously convicted of violating or repeatedly violating certain court orders or bond conditions by committing family violence and the offense was committed by intentionally, knowingly or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth. *See* PENAL CODE § 22.07(b)(-3).

**HB 1633:** Effective 9/1/2023.

Reduces the penalty for disabled veterans who park a vehicle in a parking space or area designated specifically for individuals with disabilities when the vehicle displays special license plates for disabled veterans but does not display a disabled parking placard. Requires the court to dismiss the charge under certain circumstances. *See* TRANSP. CODE § 681.011.

**HB 1710:** Effective 9/1/2024.

Requires the Texas Department of Criminal Justice to notify the court of the date on which a person sentenced to a state jail felony facility will have served 75 days in the facility, if the court requests the information. *See* CODE CRIM. PROC. art. 42A.558.

**HB 1730:** Effective 9/1/2023.

Increases the punishment for the offense of indecent exposure from a Class B to a Class A misdemeanor if the defendant has been previously convicted of the offense, or to a state jail felony if the defendant has been previously convicted two or more times of the offense. *See* PENAL CODE § 21.08.

**HB 1760:** Effective 9/1/2023.

Clarifies that, for the offense of possessing a weapon in certain prohibited places associated with schools or postsecondary institutions, for a location to be considered part of the school the building or premises must be owned by or under the control of the school or institution of higher education. *See* PENAL CODE § 46.03.

**HB 1769:** Effective 9/1/2023.

Increases the statute of limitations for the offense of possession or promotion of child pornography from 3 to 7 years after the date of the offense. Increases the statute of limitations for certain conduct constituting the offense of trafficking of persons from 10 to 20 years after the victim's 18th birthday.



Applies the current statute of limitations for the offense of sexual performance by a child to all victims of the offense regardless of their age at the time of the offense. *See* CODE CRIM. PROC. art. 12.01.

**HB 1772**: Effective 9/1/2023.

Establishes certain documentation and notice requirements related to the sale or purchase of trees and timber. Creates a criminal offense for knowingly failing to provide certain documentation related to the purchase of certain timber as required by the bill's provisions or knowingly providing false information in such required documentation. *See* NAT. RES. CODE §§ 151.004, 151.005.

**HB 1833**: Effective 9/1/2023.

Increases the criminal penalty for the offense of criminal mischief involving a public power supply to a third-degree felony if the amount of the pecuniary loss is \$30,000 or more but less than \$150,000 or if the pecuniary loss is less than \$150,00 and the actor causes certain actions. *See* PENAL CODE § 28.03.

**HB 1910**: Effective 9/1/2023.

Creates a presumption that, for purposes of determining the penalty level of certain instances of forgery to obtain or attempt to obtain a property or service, a person in possession of forged money intended to obtain a property or service of a value equal to the total purported value of the forged money. *See* PENAL CODE § 32.21.

**HB 1998**: Effective 9/1/2023.

Amends and repeals various sections of the Occupations Code. Provides an additional basis for license ineligibility and revocation in some cases based on disciplinary history by a licensing authority in another state. Requires fingerprinting for certain license renewals in order to complete a criminal record check. Provides the disciplinary panel additional grounds based on criminal history to suspend or restrict a license. Creates a Class A misdemeanor offense for certain false statements on license applications or statements under oath to obtain a license or registration to practice medicine, unless the intent is to defraud or harm another, in which case the offense is a state jail felony.

**HB 2019**: Effective 9/1/2023.

Removes the statute of limitations for the offense of burglary if the offense involves entering a habitation with the intent to commit sexual assault or aggravated sexual assault and any biological matter collected during the investigation has not been tested within the current 5-year statute of limitations for the offense or has been tested and the testing results show that the matter does not match the victim or any other person whose identity is readily ascertained. *See* CODE CRIM. PROC. art. 12.01.

**HB 2187**: Effective 9/1/2023.

Amends various sections of the Penal Code, Code of Criminal Procedure, Estates Code, Family Code, Health and Safety Code, and Occupations Code related to the abandoning or endangering of a child, elderly individual, or disabled individual. Adds elderly and disabled individuals to the Penal Code section that previously made it an offense to abandon or endanger a child and carries the same penalties as previously provided with respect to the same offenses against children. Makes it a felony with a certain limitation. Adds a conviction for this offense as a bar in some cases for a parent to inherit from or through



a child and affects who can serve as a guardian. Provides that this criminal offense may be the basis for a court to order termination of parent-child relationship under some circumstances and a basis for a court to find that a parent has subjected the child to aggravated circumstances in certain governmental entity suits to protect a child's health and safety. Adds a conviction for this criminal offense as a basis for barring certain employment or the granting and suspension of certain licenses.

**HB 2195:** Effective 9/1/2023.

Increases the penalty for displaying on a motor vehicle a license plate that has a coating, covering, protective substance, or other material that alters, covers, or obscures the letters or numbers of the license plate or the color of the plate to a misdemeanor punishable by a fine of not more than \$300. Increases the penalty to a misdemeanor punishable by a fine of not more than \$600 in cases with a previous conviction and to a Class B misdemeanor in cases with two or more previous convictions. Adds required license plates to the list of inspection items for registered vehicles and equipment subject to inspection. *See* TRANSP. CODE §§ 504.945, 548.051, 548.104.

**HB 2306:** Effective 9/1/2023.

Amends the offense of voyeurism to include someone who, for sexual gratification or arousal, views another person remotely through electronic means without their consent while they are in a dwelling or structure where they have a reasonable expectation of privacy. *See* PENAL CODE §21.17.

**HB 2700:** Effective 9/1/2023.

Specifies that conduct which constitutes the possession or promotion of child pornography, electronic transmission of certain visual material depicting a minor, and possession or promotion of lewd visual material depicting a child, prohibited visual material includes a depiction of a child or minor who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and whose image as a child younger than 18 years old was used in creating, adapting, or modifying the visual material, computer-generated visual material that was created, adapted, or modified using an artificial intelligence application or other computer software. *See* PENAL CODE §§ 43.26, 43.261, 43.262.

**HB 2715:** Effective 9/1/2023.

Provides that a court may require in protective orders, magistrate's orders for emergency protection, conditions of release on bond, and temporary restraining orders in suits for dissolution of a marriage, that the person subject to the order must refrain from tracking or monitoring personal property or a motor vehicle in the possession of the alleged victim of the offense, without the victim's effective consent, including by using a tracking application on a personal electronic device in the possession of the victim or using a tracking device; or physically following the victim or causing another to physically follow the victim. Adds the above conduct in the criminal offense of Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case. *See* CODE CRIM. PROC. arts 7B.005 (a), 17.292 (c), 17.49 (b); FAM. CODE §§ 6.501 (a), 85.022 (b); PENAL CODE §§ 25.07 (a), 42.07 (a), 42.07 (e). ***See also Protective Orders.***



**HB 2897**: Effective 9/1/2023.

For purposes of establishing the theft of services, specifies that written notice demanding payment for rendered services may be sent to the address of the person who received the services as recorded in the records of the person who rendered the services, the address recorded on the face of the check or other sight order issued or passed for the payment of money, or the address in the records of the bank or other drawee on which the check is drawn. *See* PENAL CODE §31.04.

**HB 2961**: Effective 9/1/2023.

Defines the term “conspiracy” as an agreement between two or more persons to commit a felony for purposes of a law which makes all conspirators guilty of any felony committed by one of them, regardless of the intent of the conspiracy to commit the felony actually committed, if the felony was committed in furtherance of an unlawful purpose and should have been anticipated in carrying out the conspiracy. *See* PENAL CODE §7.02.

**HB 3025**: Effective 9/1/2023.

Removes the limitation period for presenting an indictment for the offense of interference with child custody if the defendant took or retained a child outside of the United States with the intent of depriving access or possession of the child from a person lawfully entitled to it without their permission. Increases the limitation period for presenting an indictment for kidnapping or aggravated kidnapping to 20 years after the victim’s 18th birthday if the victim was younger than 17 years of age at the time of the offense. Requires a person to be prosecuted solely for third-degree felony kidnapping if the person’s conduct simultaneously constitutes interference with child custody – a state jail felony – and third-degree felony kidnapping. *See* CODE CRIM. PROC. art. 12.01, PENAL CODE § 25.03.

**HB 3058**: Effective 9/1/2023.

Limits civil, criminal, and professional liability of certain persons in actions arising from pregnancy complications. *See* CIV. PRAC. & REM. CODE ch. 74, subch. L; OCC. CODE § 164.055; PENAL CODE § 9.35. ***See also* Civil Law and Procedure.**

**HB 3075**: Effective 9/1/2023.

Creates a criminal offense for operating an unmanned aircraft over a correctional or detention facility under certain circumstances. Provides definitions for the terms “correctional facility” and “detention facility.” Provides such an offense is a class B misdemeanor and a class A misdemeanor if the actor had previously been convicted of this offense. Provides that the offense would be a state-jail felony if during the commission of the offense, the actor used the unmanned aircraft to provide contraband to a person in the custody of the correctional facility or detention facility; or otherwise introduce contraband into the correctional facility or detention facility. Repeals previous references to correctional facilities and detention facilities in Government Code § 423.0045 and makes conforming changes. *See* GOV’T CODE §§ 423.0045 (b)(c); PENAL CODE § 38.115.

**HB 3162**: Effective 9/1/2023.

Revises procedures to address disagreement between an attending physician and a person who is responsible for making medical decisions for or on behalf of a patient regarding end-of-life decisions



for the patient when they are incompetent or physically unable to communicate. Requires notice to be provided to the person responsible for the patient's health care decisions. Provides the person the right to have an attorney, physician, and others attend the meeting and the right to address the committee. Requires life-sustaining treatment be provided to the patient during the process for resolving the disagreement and, if the committee agrees life-sustaining treatment should be discontinued, for 25 days after the process is completed. Provides that the 25-day period is to allow the person time to transfer the patient another physician or medical facility which will fulfill the decision of the person on behalf of the patient. Allows a district or county court to issue an order extending the 25-day period as necessary to allow for referral. Revises procedures for the issuance of a do-not-resuscitate orders for patients who are incompetent or physically unable to communicate and creates procedures to revoke do-not-resuscitate orders. Provides immunity from civil liability, criminal sanction, and professional disciplinary action to physicians and other health care providers when acting in good faith in accordance with the procedures created by the bill. *See* HEALTH & SAFETY CODE §§ 166.0445, 166.046, 166.0465, 166.052, 166.054, 166.203, 166.204, 166.205, 166.206, 166.209, 313.004. ***See also Criminal Law and Procedure.***

**HB 3297:** Effective 1/1/2025.

Repeals provisions of the law that relate to mandatory vehicle safety inspections and makes various conforming amendments, including the deletion of existing text related to various offenses in the Transportation Code.

**HB 3553:** Effective 9/1/2023.

Increases the punishment for certain sexual offenses if those offenses are committed on the premises of a postsecondary educational institution. Increases the punishment of said offenses for multiple convictions. *See* PENAL CODE §§ 12.502, 20A.02.

**HB 3554:** Effective 9/1/2023.

Increases the penalty from a first-degree felony to a first-degree felony with a minimum term of confinement of 25 years and a maximum term of confinement of life or 99 years for the offense of trafficking persons if the offense was committed within 1,000 feet of the premises of a juvenile detention facility; a post-adjudication secure correctional facility; a residential treatment facility for runaway youth, foster children, people who are homeless, victims of human trafficking, domestic violence, or sexual assault; a community center offering youth services and programs; or a child-care facility. *See* PENAL CODE § 20A.02.

**HB 3660:** Effective 6/10/2023.

Creates a defense to prosecution for the offense of abandoning an animal if the defendant released a stray or feral animal in accordance with a Trap-Neuter-Return Program in which an animal is trapped, vaccinated and sterilized by a veterinarian, and returned to the trap location. Creates a defense to prosecution for the same offense if the defendant released a trapped wild animal in accordance with Texas wildlife laws and regulations. *See* PENAL CODE §42.092.





**HB 3917:** Effective 9/1/2023.

Requires a county, justice, or municipal court to dismiss a charge against a parent alleging they committed the offense of failing to require their child to attend school if the parent enters into an agreement with the school district and fulfills the terms of the agreement. Authorizes the Texas Education Agency to adopt rules and materials to create standardized form agreements; recommend state and local counseling, training, and other programs which may be required under an agreement, including faith-based counseling or training programs or instruction on identifying problems which contribute to unexcused absences and strategies to address those problems. *See* CODE CRIM. PROC. art. 45.0531; EDUC. CODE § 25.094. **See also County Courts and District Courts; Justice Courts and Municipal Courts.**

**HB 3956:** Effective 9/1/2023.

Requires the creation of a DNA record for anyone arrested for any felony offense instead of certain serious felony offenses as previously required. Provides that on an acquittal, dismissal, grant of relief or expunction of the offense, the defendant's DNA record must be removed from the DNA database, the record of the specimen must be immediately destroyed, and the court must notify the defendant and the defendant's attorney of the same. *See* CODE CRIM. PROC. arts.55.01, 55.02, GOV'T CODE §§ 411.1471, 411.151.

**HB 4164:** Effective 9/1/2023.

Expands the pre-existing offense of misrepresenting an animal as a service animal by use of a harness or leash typically used by a person with a disability. Applies to any knowing or intentional misrepresentation of an animal as an assistance or service animal when the animal is not specially trained or equipped to help a person with a disability. Retains the designation of the offense as a misdemeanor but increases the maximum penalty for the offense from \$300 to \$1,000. *See* HUM. RES. CODE § 121.006.

**HB 4333:** Effective 6/10/2023.

Extends from September 1, 2023 to September 1, 2027 a family violence pretrial diversion pilot program in Bexar County. *See* GOV'T CODE § 509.018.

**HB 4337:** Effective 9/1/2023.

Amends the definition of the term "governmental record" for purposes of the crime of tampering with a governmental record to include licenses, permits, seals, patents, and other similar documents issued by a foreign government which has entered into a reciprocity agreement or memorandum of understanding with the United States. Amends preexisting law which authorized driving a commercial vehicle with a commercial driver's license or commercial learner's permit issued by a foreign jurisdiction to make that authority contingent upon being authorized under federal law to work in the United States. Restricts a person's ability to lawfully drive to counties bordering Mexico, if the person has a commercial driver's license or learner's permit issued by a foreign jurisdiction but they are not authorized to work in the United States under federal law. *See* PENAL CODE § 37.01, TRANSP. CODE § 522.015.

**HB 4417:** Effective 6/11/2023.

Amends and repeals various sections of code related to the administration of court-ordered programs regulated by the Department of Licensing and Regulation. Eliminates a drug and alcohol driving



awareness program as a program a court may require a minor convicted of or on deferred disposition for certain intoxication and alcohol-related offenses to successfully complete. The bill repeals statutory provisions which require the department to create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge may sentence a defendant and provisions which require the department to monitor, oversee, and train instructors who teach online and in-person classes on the dangers of drug abuse.

**HB 4504:** Effective 1/1/2025.

Makes nonsubstantive revisions of certain provisions of the Code of Criminal Procedure, including conforming amendments. Repeals various sections of the Code of Criminal Procedure and sections in Chapter 1701, Occupations Code.

**HB 4635:** Effective 9/1/2023.

Creates civil remedies and enforcement actions related to racketeering and unlawful debt collection offenses created by the bill. Allows the Attorney General, the Department of Public Safety, or a local prosecutor to bring a civil action to enjoin, among other civil remedies, conduct constituting an offense under the bill. Requires the administrative judge of the district court of a county to assign a judge to hear and determine the civil action in an expedited manner. Allows a prosecutor to bring the proceedings in the county where the property was seized. Allows the Attorney General or prosecutor to make a civil investigative demand for certain evidence or information before filing a civil action or proceeding. Creates a Class A misdemeanor offense resulting from a person's noncompliance of not more than \$4,000. Creates a Class B misdemeanor for a trustee's failure to provide certain information to an investigative agency that has filed a Racketeer Influenced and Corrupt Organizations (RICO) lien notice, civil action, or criminal offense under the bill. Creates three felony offenses related to the use of proceeds derived from racketeering or unlawful debt collection, the acquisition of an interest in property or control of an enterprise through racketeering or unlawful debt collection, or the participation in an enterprise through racketeering or unlawful debt collection, which would be classified as a second-degree felony and would carry an alternative, optional fine under certain circumstances. Establishes a statute of limitation for filing a felony indictment for the offenses. **See also Civil Law and Procedure.**

**SB 37:** Effective 9/1/2023.

Modifies scope of "failure to report" provision of criminal offense of hazing. Clarifies who may receive certain criminal or civil immunity related to reporting an incident of hazing to certain persons. See Educ. CODE §§ 37.152, 37.155. **See also Civil Law and Procedure.**

**SB 129:** Effective 9/1/2023.

Revises the criminal penalties for possession or promotion of child pornography. Sets statute of limitations period for presentment of indictment for possession or promotion of child pornography. See CODE CRIM. PROC. art. 12.01; PENAL CODE § 43.26.

**SB 182:** Effective 9/1/2023.

Requires certain state employees or contractors who becomes aware of certain criminal conduct committed against a person receiving services from certain state agencies or their contractor to report



the conduct to a local law enforcement agency within a certain number of hours after the employee or contractor becomes aware of the conduct. Makes it an offense for a person required to make a report to knowingly fail to make the report. *See* HUM. RES. CODE §§ 40.082, 40.083, 203.020, 203.021.

**SB 188:** Effective 9/1/2023.

Requires group home owners and operators to obtain criminal history background checks on employees and not hire anyone with certain crimes on their record. Creates a Class A misdemeanor offense for group home owners or operators who employ individuals with such criminal histories. *See* HEALTH & SAFETY CODE ch. 769.

**SB 224:** Effective 5/29/2023, except Sections 3.01 and 3.06 take effect 7/1/2023.

Creates a state jail felony offense for the unauthorized possession of a catalytic converter, establishes a presumption of authorized possession under certain circumstances, and increases the penalty to a third-degree felony under certain circumstances. Makes criminal mischief and theft a felony offense under certain conditions involving a catalytic converter. Makes both the state jail felony criminal mischief offense relating to a catalytic converter and the new state jail felony offense for unauthorized possession of a catalytic converter subject to a penalty enhancement if the offense was committed or conspired to be committed while engaging in organized criminal activity. *See* PENAL CODE §§ 28.03(b), 31.03, 31.21, 71.02.

**SB 246:** Effective 9/1/2023.

Amends various statutes related to the regulation of motor fuel metering devices and motor fuel quality. Updates various criminal offenses related to motor fuel metering devices.

**SB 372:** Effective 9/1/2023.

Requires the Supreme Court to adopt rules regarding non-public judicial work product confidentiality. Requires a person, other than a justice or judge, who is involved in crafting an opinion or decision for an adjudicatory proceeding, including a court staff attorney, court clerk, or law clerk, to maintain the confidentiality of all non-public judicial work product (as defined by the bill) in accordance with Supreme Court rules. Requires a justice or judge of a court to comply with Supreme Court rules governing confidentiality of non-public judicial work product. Makes it a Class A misdemeanor offense for a person, other than a justice or judge, with access to non-public judicial work product to knowingly disclose, wholly or partly, the contents of any non-public judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, certain state agency employees, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding. Provides certain defense to prosecution under new provision created by bill. *See* GOV'T CODE § 21.013. ***See also Appellate Courts; County Courts and District Courts; Justice Courts and Municipal Courts; Supreme Court of Texas and Texas Court of Criminal Appeals.***

**SB 497:** Effective 9/1/2023.

Adds a new chapter to the Health and Safety Code relating to the manufacture, distribution, and sale of kratom products (Texas Kratom Consumer Health and Safety Protection Act). Makes it a Class C misdemeanor offense for a person to distribute, sell, or expose for sale a kratom product to an individual



younger than 18 years of age. Makes a person who violates the new chapter subject to a civil penalty. *See* HEALTH AND SAFETY CODE ch. 444. ***See also Civil Law and Procedure.***

**SB 840:** Effective 9/1/2023.

Increases the penalty for the offense of assault causing bodily from a Class A misdemeanor to a third-degree felony when the victim is a person the actor knows is hospital personnel while the person is located on hospital property, including all land and buildings owned or leased by the hospital. *See* PENAL CODE § 22.01.

**SB 895:** Effective 9/1/2023.

Adds, amends, repeals, and replaces various sections of the Finance Code relating to the regulation of money services businesses. Makes it a third-degree felony offense: to intentionally make a false statement, misrepresentation, or certification in a record or application filed with the Department of Banking or required to be maintained; to intentionally make a false entry or omit a material entry in a record of application; or to knowingly engage in unlicensed activity that required a licensed. *See* FIN. CODE ch. 152.

**SB 1004:** Effective 9/1/2023.

Creates a criminal offense if a person knowingly removes or disables an electronic tracking device that the person is required to wear to enable the electronic monitoring of the person's location and is punishable as a state jail felony, unless the person is in a super-intensive supervision program in which case it would be a felony of the third-degree. *See* PENAL CODE § 38.112; CODE CRIM. PROC. art. 42.08.

**SB 1179:** Effective 9/1/2023.

Amends various sections of the Penal Code, Code of Criminal Procedure, Civil Practices and Remedies Code, Government Code, and Health & Safety Code related to the Texas Civil Commitment Office (TCCO). Requires a judge to deny without hearing a petition for release filed without TCCO's authorization if the petitioner had filed the petition within 180 days after certain orders related to the person's civil commitment were entered or if the judge determined by a preponderance of the evidence that the petitioner's behavioral abnormality had not changed to the extent that the petitioner was no longer likely to engage in sexual violence. Requires a court to deny without hearing a petition for release filed without TCCO's authorization if the petitioner had filed the petition within 180 days after certain orders related to the person's civil commitment were entered or if the judge determined by a preponderance of the evidence that the petitioner's behavioral abnormality had not changed to the extent that the petitioner was no longer likely to engage in sexual violence and requires the court to determine that the transfer was in the person's best interest by clear and convincing evidence. Specifies court procedures for claims that a civilly committed sexually violent predator was unable to pay costs, including grounds for dismissal of such a claim and states that the sex offender compliance unit at the Department of Public Safety would have primary jurisdiction to investigate a felony offense committed by a sexually violent predator who was civilly committed.



**SB 1346**: Effective 9/1/2023.

Allows a district attorney to prosecute anyone who orders and or conspires to illegally dump any material by improper and illegal means pursuant to the Health & Safety Code. *See* HEALTH & SAFETY CODE § 365.012.

**SB 1361**: Effective 9/1/2023.

Creates a criminal offense if a person to knowingly produce or distribute by electronic means a deep fake video that appeared to depict a person, without the effective consent of the person appearing to be depicted, engaged in sexual conduct or with the person's intimate parts exposed and makes the offense a Class A misdemeanor. *See* PENAL CODE § 21.165.

**SB 1527**: Effective 9/1/2023.

Amends various sections of code to address human trafficking. Makes Penal Code provisions relating specifically to the trafficking of a child applicable also to the trafficking of a disabled individual. Enhances the penalty for solicitation of prostitution in certain circumstances. Expands the conduct prohibited under the offense of compelling prostitution to include compelling the prostitution of a disabled person. Amends the statute of limitations in civil and criminal cases for certain compelled prostitution. Revises the applicability of provisions establishing the admissibility of hearsay statements of certain abuse victims and establishing the admissibility of evidence of extraneous offenses or acts in the prosecution of certain felony offenses. *See* PENAL CODE §§ 20A.01, 20A.02, 43.021, 43.05; CIV. PRAC. & REM. CODE § 16.0045; and CODE CRIM. PROC. arts. 12.01, 38.072, 38.37, 62.101. ***See also Civil Law and Procedure.***

**SB 1551**: Effective 9/1/2023.

Creates a new misdemeanor offense of failure to identify for a person who is an operator of a motor vehicle who is lawfully detained by a peace officer for an alleged violation of a law and who fails to provide or display the person's driver's license on the officer's request for the license; and intentionally refuses to give the person's name, driver's license number, residence address, or date of birth to the officer on the officer's request for that information. *See* PENAL CODE § 38.02, 38.02(c).

**SB 1653**: Effective 9/1/2023.

Provides that the offense of promotion of prostitution is a felony of the first degree if the actor engages in conduct described by certain subsections involving a person younger than 18 years of age, rather than a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time of the offense. *See* PENAL CODE § 43.03(b).

**SB 1725**: Effective 9/1/2023.

Allows first time minor offenders who have multiple convictions of or arrests for offenses under the Alcoholic Beverage Code to have all of the offenses expunged if the offenses are linked to one incident report or event. *See* ALCO. BEV. CODE § 106.12.

**SB 1839**: Effective 9/1/2023.

Revises sections of the Parks and Wildlife Code related to the unlawful sale or purchase of shark fins or shark fin products. Establishes that a person commits a Class B Parks and Wildlife Code misdemeanor





offense for the unlawful sale or purchase of shark fins or shark fin products. See PARKS & WILD. CODE § 66.2161.

**SB 2101:** Effective 9/1/2023.

Requires a judge, state's attorney, peace officer, or law enforcement agency required to notify, inform, or disclose information to a victim, guardian of a victim, or close relative of a deceased victim in accordance with rights granted to crime victims to provide such notification or information electronically, including by text message, videoconference, or email, by mail, through an anonymous, online portal, or by contacting by telephone or otherwise making personal contact with the victim, guardian, or relative, as applicable. See CODE CRIM. PROC. arts. 56A.051, 56A.052, 56A.0525.

## Elections and Lobbying

**HB 2384:** Effective 9/1/2023.

Requires candidates for judicial offices in the appellate courts, district courts, and statutory county courts to disclose their membership number in the State Bar of Texas plus any other state where they have held a license as an attorney, any disciplinary sanction imposed by the bar or the bar of another state, certain criminal convictions, the nature of their practices, and information regarding their experiences as litigators or appellant attorneys. Specifies that any sanction the State Commission on Judicial Conduct imposes on a justice or judge for making a false declaration on an application to run for judicial office is a public record. Allows the state bar to sanction an attorney who made a false declaration on an application to run for judicial office. Requires the Supreme Court to adopt rules requiring each justice and judge to complete at least 30 hours of judicial training during their first year in office and to complete at 16 hours of training during each subsequent year in office, subject to exceptions for medical or physical disability. Creates a process for the Commission on Judicial Conduct to suspend a judge who is not in compliance with continuing education requirements until the judge becomes compliant. Creates a process for the removal of a judge who is not compliant with the education requirements for longer than one year. Requires the director of the Office of Court Administration to develop standards to identify courts that need additional assistance to promote the efficient administration of justice. Allows presiding judges to appoint a judicial mentor or arrange for additional administrative personnel for courts identified as needing assistance. Requires the Office of Court Administration to annually report on disaggregated performance measures for each appellate court, district court, statutory county court, statutory probate court, and county court. Requires the office to collect and report on each trial court's performance on the following performance measures: clearance rate, average time a case is before the court, age of court's active pending case load. Requires the Supreme Court of Texas to adopt rules to establish the specialty certification for attorneys in the practice of judicial administration. See ELEC. CODE § 141.0311; GOV'T CODE §§ 33.032, 39.001, 39.002, 39.003, 39.004, 72.024, 72.082, 72.083, 74.046, 81.075, 82.101. **See also Commissions, Committees, Councils, and Task Forces; Judicial Education; Office of Court Administration; Supreme Court of Texas and Texas Court of Criminal Appeals.**



**HB 2626:** Effective 9/1/2023.

Amends and repeals various sections of Chapter 254, Election Code, related to the availability of certain reports of political contributions and expenditures. Requires any political subdivision that receives campaign finance reports to make the reports publicly available on a website and maintain the report online for at least five years. **See also Government Entity or Political Subdivision.**

**SB 1054:** Effective 9/1/2023.

Prohibits the trial date for a contest of an election on a proposed constitutional amendment from being later than the 180th day after the date of the contested election. Requires the appellate court, if a contestant files an appeal of the contest, to ensure that the action is brought to final disposition not later than the 180th day after the date the judgment becomes final. *See* ELEC. CODE § 233.014.

## Family Law

**HB 446:** Effective 9/1/2023.

Amends various statutes regarding the terminology used for individuals with intellectual disabilities. **See also Civil Law and Procedure; Criminal Law and Procedure; Family Law; Guardianship and Mental Health; and Juvenile Justice.**

**HB 461:** Effective 9/1/2023.

Authorizes a court, in a suit for adoption that is uncontested, to waive an adoption evaluation where the prospective adoptive parent is a stepparent of the child and the court has reviewed investigative records of the Department of Family and Protective Services and any criminal history record information maintained by the Department of Public Safety. *See* FAM. CODE §§ 107.153, 162.003.

**HB 474:** Effective 9/1/2023.

Adds defined terms to differentiate between active and inactive trained volunteers in court-appointed volunteer advocate (CASA) programs. Requires that a nonprofit entity operating a local CASA program satisfy certain requirements to be eligible for contract with statewide volunteer advocate organization that supports local programs, including adopting a grievance procedure to address complaints regarding negligence or misconduct related to a volunteer advocate's duties and maintaining accurate records regarding active volunteer advocates and inactive volunteer advocates under the program. *See* FAM. CODE §§ 264.601, 264.603(a), 264.604(a).

**HB 730:** Effective 9/1/2023.

Amends various provisions of the Family Code to revise practices and procedures related to child abuse investigations and court proceedings surrounding those investigations. Requires Child Protective Services to inform parents of certain rights at the start of an investigation, including the right to have an attorney present and the right to refuse to cooperate with investigators. Revises the standard for issuing a court order requiring the release of records, the interview of a child, or the admission to a home, school, or other place to locate a child and, if an order is issued, requires the court to make specific findings supporting issuance of the order. Places restrictions on ex-parte hearings and requires



such hearings, when legally permissible, to be recorded and made available to all parties upon request. See FAM. CODE §§ 261.301, 261.303, 261.307, 261.3081, 262.206, 264.203, 264.2032, 264.901(2), 264.902, 264.907.

**HB 891:** Effective 9/1/2023.

Clarifies that a rebuttal expert can testify and challenge the qualifications and methodology of a child custody evaluation expert without conducting his or her own child custody evaluation. See FAM. CODE § 104.008(a-1).

**HB 968:** Effective 9/1/2023.

Requires a court to make certain findings before issuing, without prior notice and a hearing, a temporary order for conservatorship, a temporary restraining order, or an order attaching a child in certain parent-child relationship lawsuits filed by the Department of Family and Protective Services. See FAM. CODE § 262.102(a).

**HB 969:** Effective 9/1/2023.

Authorizes a municipality or county to adopt an ordinance or order that imposes a civil penalty against a person who interferes with child custody in violation of a court order. See FAM. CODE § 157.551.

**HB 1087:** Effective 9/1/2023.

Requires the Department of Family Protective Services (DFPS) to include a specific description of reasonable efforts made to prevent the need to remove a child from their family in a separate section of an affidavit seeking removal of the child and requires courts to include such language in orders. Requires courts to include such language in a separate section of an order keeping a child in DFPS custody at an initial hearing or the adversary hearing. Prohibits a court from ordering involuntary termination of parental rights unless the court finds clear and convincing evidence and includes specific written description in a separate section of the order that DFPS made reasonable efforts to return the child home and a continuing danger remains in the home or that reasonable efforts have been waived. See FAM. CODE § 161.001, ch. 262.

**HB 1547:** Effective 9/1/2023.

Provides that a claim for reimbursement exists when one or both spouses use property of one marital estate to confer on the property of another marital estate a benefit which, if not repaid, would result in unjust enrichment to the benefited estate. Sets out proof requirements for a spouse seeking reimbursement to a marital estate and describes what constitutes a marital estate conferring a benefit on another marital estate's property. Provides that the determination of whether unjust enrichment will occur if one marital estate is not required to reimburse another marital estate is a question for the court to decide. Authorizes a claim for reimbursement to be offset by the value of any related benefit that the other spouse proves that the conferring estate received from the benefited estate. Provides that a claim for certain reimbursement under does not create an ownership interest in property and authorizes the court, on dissolution of a marriage, to impose an equitable lien on the property of a benefited estate to secure a claim for reimbursement against that property by a conferring estate. See FAM. CODE §§ 3.401, 3.402, 3.404, 3.406, and 3.411.



**HB 2070**: Effective 6/9/2023.

Provides that the continuation of maintenance ordered for a spouse who is unable to earn sufficient income due to an incapacitating disability or who is the primary caregiver of a child with incapacitating disabilities is subject to the procedural requirements for a motion to modify as provided by Section 8.057, Family Code (Modification of Maintenance Order). *See* FAM. CODE 8.054 (d).

**HB 2658**: Effective 9/1/2023.

Allows a court to order termination of the parent-child relationship if the court finds by clear and convincing evidence that the parent has been convicted of criminal solicitation of a minor or online solicitation of a minor. *See* FAM. CODE § 161.001.

**HB 2671**: Effective 9/1/2023.

Prohibits a court from postponing a hearing on a motion for a temporary order for the preservation of property and protection of the parties in a suit for dissolution of marriage or a hearing on a motion for a temporary order for the safety and welfare of a child in a suit affecting the parent-child relationship for longer than 30 days, if the court on its own motion refers the suit to mediation. *See* FAM. CODE §§ 6.502, 105.001.

**HB 2850**: Effective 9/1/2023.

Adds a new title to the Family Code related to Civil Procedure. Adds a new chapter to the Family Code related to discovery provision for civil actions brought under the Family Code. Prohibits the new chapter added by the bill from being modified or repealed by a rule adopted by the Supreme Court of Texas. *See* FAM. CODE tit. 6, ch. 301. ***See also* Supreme Court of Texas and Texas Court of Criminal Appeals.**

**HB 4062**: Effective 9/1/2023.

Requires a child custody evaluator to create an audiovisual recording of each interview the evaluator conducts with a child who is the subject of a suit seeking conservatorship of, possession of, or access to the child. Makes recording confidential and prohibits recording release except by court order for good cause shown. *See* FAM. CODE § 107.112.

**HB 4183**: Effective 9/1/2023.

Allows an associate judge appointed under Chapter 201, Family Code, an associate judge appointed under Chapter 54A, Government Code, or a justice of the peace to consider a marriage license applicant's request for a waiver of the waiting period provided the judge or justice finds good cause for the marriage to take place during that period and signs the waiver. *See* FAM. CODE § 2.204(c). ***See also* Associate Judges and Magistrates.**

**SB 614**: Effective 9/1/2023.

Requires Department of Family and Protective Services (DFPS) to notify a parent and the caregiver entering a parental child safety placement agreement of the right to consult with an attorney and provide the person with reasonable time to do so before entering the agreement. Outlines circumstances under which such agreements can terminate or can be renewed by DFPS. Provides that such children must be included in any required reports of removed children, along with the number of cases in which a child



was placed with a caregiver under a parental child safety placement. *See* FAM. CODE §§ 264.017, 264.2032, 264.901(2), 264.902, 264.902(a), 264.907.

**SB 869:** Effective 9/1/2023.

Revises various provisions of the Family Code related to suits affecting the parent-child relationship, including the payment and enforcement of a child support order. Changes the prohibition against a party to a suit affecting the parent-child relationship who is executing a waiver of issuance or service of citation signing the waiver using a digitized signature with an authorization to do so. Requires a final order in an applicable suit affecting the parent-child relationship to contain each party's email address and authorizes the court, in a subsequent child support enforcement action, on a showing that diligent effort has been made to determine the location of the party, to consider due process requirements for notice and service of process to be met with delivery of notice to the most recent email address provided to the court by the party. Requires a party to give a written notice to each other party of an intended change in the party's current email address. Prohibits the court from delaying an adjudication of parentage in a suit that is pending in a trial court on the bill's effective date or that is filed on or after that date, solely due to a lack of jurisdiction. Amends the Estates Code to provide that the assignment of certain property or an interest in certain property by a child support obligor is barred to the extent the assigned property or interest could be applied to satisfy certain support obligations. *See, e.g.,* FAM. CODE §§ 102.0091, 105.006, 105.007, 154.132, 157.005, 157.009, 157.263, 157.318, and 160.604; EST. CODE § 122.201.

**SB 870:** Effective 9/1/2023.

Amends the Estates Code, Family Code, Government Code, Property Code, and Tax Code to revise various provisions regarding certain proceedings and procedures relating to child support services and cases and the related authorizations and requirements of the Office of the Attorney General (OAG), including administrative adjustment of support obligations during incarceration, orders for unemployed and underemployed obligors, child support payments, and remote proceedings and judicial actions. Prohibits a court from ordering the OAG to release information that is confidential or privileged under statutory provisions relating to the confidentiality of records and privileged communications regarding services provided by the OAG.

**SB 1612:** Effective 1/1/2024, except Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, and 27(a) take effect September 1, 2023.

Amends and repeals various sections of the Estates Code, Family Code, Government Code, Local Government Code, and Code of Criminal Procedure relating to standardization of court administration procedures, costs, and certain filing fees. ***See also Administration of the Courts; Clerks; Costs, Fees, Fines, and Collections; Probate, Trusts, and Estates.***

**SB 2120:** Effective 9/1/23.

Amends various sections of the Government Code to allow the Texas Indigent Defense Commission to provide services for the funding, oversight, and improvement of court-appointed legal counsel for children and indigent parents in child protection cases filed by the Department of Family and Protective Services. Amends the Family Code to require reporting from attorney ad litem and increased the legal



experience requirement for chief counsels of an office of child or parent representation. *See* Gov'T CODE § 79.001; FAM. CODE § 107. ***See also Associate Judges and Magistrates; Committees, Councils, and Task Forces.***

## Government Entity or Political Subdivision

**HB 1088**: Effective 9/1/2023.

Provides a means for legal representation for community supervision and corrections departments and their employees in certain cases in which a person under department supervision challenges the fact or duration of the supervision. *See* Gov'T CODE § 76.006.

**HB 1819**: Effective 9/1/2023.

Repeals the authority of political subdivisions to adopt or enforce an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age. *See* LOC. Gov'T CODE § 370.007.

**HB 2059**: Effective 9/1/2023.

Requires the Health and Human Services Commission, instead of the Department of State Health Services, to provide grants to local mental health authorities and local behavioral health authorities to pay contractors to provide mental health first aid training to employees and contractors of the authorities. Requires the Commission to make grants to the extent appropriated to the Commission for that purpose. Allows grants in an amount the Commission considers necessary for the training instead of \$1,000 per person trained as previously provided by law. Expands the categories of persons who may receive grant-funded mental health first aid training from local mental health authorities and local behavioral health authorities to include employees of private schools, open-enrollment schools, child-care facility employees and contractors, first responders, military service members, veterans, military family members, and judges and attorneys, in addition to other school employees with frequent and recurring contact with students. Allows local mental health authorities and local behavioral health authorities to contract with a regional educational service center to provide mental health first aid training to school and higher educational institution employees and contractors. Requires local authorities to submit training plans to the Commission in order to receive grants and requires local authorities to submit annual reports to the Commission on details of trainings provided. Provides civil immunity to persons who receive the mental health first aid training from a mental health or behavioral health authority from liability for damages caused in assisting a person experiencing a mental health crisis, unless they were willfully or wantonly negligent. *See* HEALTH & SAFETY CODE ch. 1001. ***See also Civil Law and Procedure.***

**HB 2371**: Effective 9/1/2023.

In part grants municipalities, after applicable notice and public hearing, to declare a burial plot in a municipal cemetery as presumed abandoned in certain cases and subject to municipal disposal. Creates an appeal process for a person or group in petition of the municipality's decision to declare a plot abandoned. *See* HEALTH & SAFETY CODE §§ 713.012, 713.013. ***See also Civil Law and Procedure.***





**HB 2488:** Effective 9/1/2023.

Amends the Property Tax Code, regarding judicial review, to add that in an appeal of an order of an appraisal review board determining a protest or a motion, involving an increase in the appraised value of property, the appraisal district has the burden of establishing the appraised value of property subject to the appeal if the appraised value of the property in the preceding year was determined at a trial on the merits. *See* TAX CODE § 42.23.

**HB 2626:** Effective 9/1/2023.

Amends and repeals various sections of Chapter 254, Election Code, related to the availability of certain reports of political contributions and expenditures. Requires any political subdivision that receives campaign finance reports to make the reports publicly available on a website and maintain the report online for at least five years. ***See also Elections and Lobbying.***

**SB 271:** Effective 9/1/2023.

Revises the scope of state cybersecurity incident procedures to cover certain local government bodies. Expands the incidents that require notification by state agencies and certain local government bodies to the Department of Information Resources (DIR) to include all “security incidents,” defined by the bill as a breach or suspected breach of system security and the introduction of ransomware into a computer, computer network, or computer system. Requires state agencies and local government bodies to comply with DIR rules relating to reporting security incidents. *See* GOV’T CODE § 2054.603. ***See also Courthouse Security and Judicial Privacy; Office of Court Administration.***

**SB 888:** Effective 5/24/2023.

Exempts certain county courthouses from statutory provisions that require and regulate fire escapes. *See* HEALTH & SAFETY CODE § 791.004(c).

**SB 929:** Effective 5/19/2023.

Requires certain notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary that results in nonconforming property use and provides for certain remedies when conforming use becomes nonconforming use, including judiciary review of a final decision by board of adjustment of a municipality. *See* LOC. GOV’T CODE §§ 211.006, 211.019.

**SB 1766:** Effective 9/1/2023.

Sets out provisions relating to the contents of a contract for appraisal services entered into by a licensed appraiser and a municipality, county, public school district, conservation and reclamation district, hospital organization, or other political subdivision. *See* LOC. GOV’T CODE § 271.9041.

## Guardianship and Mental Health

**HB 266:** Effective 9/1/2023.

Requires a person who files an application for the appointment of a guardian with a court to also file an affidavit with the court that lists certain name and contact information of relatives of the proposed ward



and other interested parties. Requires court and guardian to keep the affidavit confidential. *See* EST. CODE §§ 1101.003, 1151.056.

**HB 446:** Effective 9/1/2023.

Amends various statutes regarding the terminology used for individuals with intellectual disabilities. ***See also Civil Law and Procedure; Criminal Law and Procedure; Family Law; and Juvenile Justice.***

**HB 785:** Effective 9/1/2023.

Allow notices and communications during guardianship proceedings to be sent by any “qualified delivery method,” including by hand delivery by courier, notices by either certified/registered mail, or by any private delivery service that is designated as such by the United States Secretary of the Treasury. *See* EST. CODE § 1002.0265.

**HB 3009:** Effective 9/1/2023.

Allows an advanced practice registered nurse (APRN), acting under the delegated authority and supervision of a physician, to examine a person’s physical and mental condition and provide a written letter or certificate to a court to determine whether the person should be placed under guardianship. Permits judge to consider letter or certificate submitted by APRN in making guardianship decision. *See* EST. CODE §§ 1101.100, 1101.1011, 1101.103, 1101.104.

**SB 944:** Effective 9/1/2023.

Allows a court to commit a proposed resident to long-term placement in a residential care facility without an interdisciplinary team recommendation if the court determined beyond a reasonable doubt that the proposed resident met the requirements for commitment to a residential care facility. Requires a petition to the court to issue a commitment order or the current interdisciplinary team report and recommendations to show that because of the proposed resident’s intellectual disability, the proposed resident represented a substantial risk of physical impairment or injury to themselves or others, or the proposed resident was unable to provide for their most basic personal physical needs. *See* HEALTH & SAFETY CODE ch. 593.

**SB 1457:** Effective 9/1/2023.

Revises various provisions relating to guardianship proceedings. Authorizes the delivery of certain communications in connection with certain guardianship proceedings to be made by a qualified delivery method as an alternative to certified or registered mail. Expands the approved delivery methods for certain notices and citations to include delivery by any qualified method. Revises provisions relating to the use of registered or certified mail to send citations or notices in a guardianship proceeding to reflect the use of a qualified delivery method. Clarifies that an attorney ad litem representing a proposed ward in a guardianship proceeding may accept service on the ward’s behalf if the proposed ward has been personally served with notice of the proceeding. Revises the authorization for the surviving parent of an adult individual who is an incapacitated person, if the parent is the guardian of the individual’s person or the guardian of both the person and the estate, to designate an eligible individual to serve as guardian after the parent dies or in the event of the parent’s incapacity. Authorizes a guardian of the person of a ward for whom the court has not appointed a guardian of the estate, on application to and order



from the court, to access, manage, and spend the ward's funds in an amount not to exceed \$20,000 per year for the ward's benefit. Gives the court the option to cap compensation for a guardian serving as a guardian of the person of the ward alone at \$3,000 per year if that amount is greater than five percent of the ward's gross income. Authorizes a court that finds that a ward's spouse fails to comply with an order to deliver to the guardian of the ward's estate certain community property that is subject to the spouse's joint management, control, and disposition, after notice and a hearing, to order any third party or entity in possession to deliver the community property to the guardian.

**SB 1650:** Effective 9/1/2023.

Consolidates provisions relating to the authority of an agent appointed by a durable power of attorney upon the appointment of a permanent or temporary guardian over the principal who executed the power of attorney. Permits courts to allow the agent to continue to hold power and authority of the power of attorney during the guardianship. Clarifies the powers an agent may exercise on behalf the principal in conducting business operations transactions for business entities in which the principal has an ownership interest. Allows for the award of attorney's fees and costs in actions brought to construe or determine the validity of a power of attorney or to review the agent's conduct under the power of attorney. Exempts a disclaimer made by a fiduciary acting in a fiduciary capacity that would result in an interest in or power over property passing to the person making the disclaimer from the requirement for the court to approve the disclaimer in order for it to be effective if the disclaimer is authorized instead under the Durable Power of Attorney Act. *See* EST. CODE §§ 751.002, 751.00201, 751.133, 751.251, 752.001, 752.107; PROP. CODE § 240.008. ***See also* Probate, Trusts, and Estates.**

**SB 2479:** Effective 9/1/23.

Amends various sections of the Health and Safety Code and Code of Criminal Procedure related to mental health. Amended the Code of Criminal Procedure to reconcile the conflict created to offenses that are eligible for personal bonds and offenses that allow for a mental health personal bond. Allows for, but does not require, a magistrate who receives credible information that may establish reasonable cause to believe that a Class C Misdemeanor defendant has a mental illness or is a person with an intellectual disability to order a mental health service provider to conduct an interview. Allows for licensed mental health professionals, in addition to physicians, who may request an electronic warrant for an emergency mental health detention. *See* HEALTH & SAFETY CODE § 573.012; CODE CRIM. PROC. arts. 16.22, 17.03. ***See also* Bail; Commissions, Committees, Councils, and Task Forces; Justice Courts and Municipal Courts; Magistrate Duties.**

## Indigent Defense

**HB 409:** Effective 9/1/2023.

Expands and modifies composition of board governing the Texas Indigent Defense Commission. *See* GOV'T CODE §§ 79.014, 79.016. ***See also* Commissions, Committees, Councils, and Task Forces.**



## Judicial Compensation

**HB 3474:** Effective 9/1/2023, except: Article 15 takes effect 6/13/2023; Sections 1.011, 2014, 2.015, 2.018, and 2.019 take effect 10/1/2023; Sections 1.014 and 1.015 take effect 10/1/2024; and Sections 1.009 and 1.016 take effect 10/1/2025.

Amends and repeals various provisions of code as it relates to the operation of the judiciary, including the docket preferences, terms of court, jurisdiction, where courts may sit, docket sharing, judge assignment, case diversion, case referral, case transfer, filing of oaths, service of process, document delivery, the operation of various proceedings, and juror qualification, summons, and exemptions. Creates new judicial districts in Denton County, Harris County, Kaufman County, Collin County, Bastrop County, Brazos County, Kendall County, and Edwards, Gillespie, and Kimball counties. Creates probate courts in Travis County, Harris County, and Bexar County. Creates statutory county court in Waller County and Wilson County, and multicounty statutory county court in Bee, Live Oak, and McMullen counties. Permits appointment of various criminal magistrates. Sets certain travel expense entitlements. Amends various sections of the Government Code related to salaries of certain judges and prosecutors, including years of service in determining judicial salary for certain groups. Adjusts salaries of state-employed associate judges appointed under Subchapters B and C, Chapter 201, Family Code. Requires the Office of Court Administration to conduct a district court caseload analysis and report from time to time. Adjusts juror reimbursement rates. Makes conforming amendments. **See also Administration of the Courts; Associate Judges and Magistrates; County Courts and District Courts; Jurisdiction and Venue; Jury Service and Grand Jury Service; New Courts; Office of Court Administration.**

**SB 1245:** Effective 6/18/2023.

Amends various sections of the Government Code and the Insurance Code related to the Judicial Retirement System of Texas Plan Two (JRS-2). Establishes a cash balance annuity for certain members of JRS-2 who will take office on or after September 1, 2024. Sets out parameters of retirement eligibility application for a member of JRS-2 to participate in the program if the member took office on or after September 1, 2024 and was not a member on the date that the member took office. Establishes standard cash balance benefits for members, optional cash balance benefits, and partial lump-sum cash balance options. Describes the program's death and disability benefits, collection of member contributions, annual interest adjustment, gain sharing interest adjustment, state contribution for military service, and resumption of full-time judicial service. Makes conforming changes and provides that the provisions would preempt any conflicting laws or administrative rules.

## Judicial Education

**HB 2384:** Effective 9/1/2023.

Requires candidates for judicial offices in the appellate courts, district courts, and statutory county courts to disclose their membership number in the State Bar of Texas plus any other state where they have held a license as an attorney, any disciplinary sanction imposed by the bar or the bar of another state, certain criminal convictions, the nature of their practices, and information regarding their experiences as litigators or appellant attorneys. Specifies that any sanction the State Commission on Judicial Conduct



imposes on a justice or judge for making a false declaration on an application to run for judicial office is a public record. Allows the state bar to sanction an attorney who made a false declaration on an application to run for judicial office. Requires the Supreme Court to adopt rules requiring each justice and judge to complete at least 30 hours of judicial training during their first year in office and to complete at 16 hours of training during each subsequent year in office, subject to exceptions for medical or physical disability. Creates a process for the Commission on Judicial Conduct to suspend a judge who is not in compliance with continuing education requirements until the judge becomes compliant. Creates a process for the removal of a judge who is not compliant with the education requirements for longer than one year. Requires the director of the Office of Court Administration to develop standards to identify courts that need additional assistance to promote the efficient administration of justice. Allows presiding judges to appoint a judicial mentor or arrange for additional administrative personnel for courts identified as needing assistance. Requires the Office of Court Administration to annually report on disaggregated performance measures for each appellate court, district court, statutory county court, statutory probate court, and county court. Requires the office to collect and report on each trial court's performance on the following performance measures: clearance rate, average time a case is before the court, age of court's active pending case load. Requires the Supreme Court of Texas to adopt rules to establish the specialty certification for attorneys in the practice of judicial administration. *See* ELEC. CODE § 141.0311; GOV'T CODE §§ 33.032, 39.001, 39.002, 39.003, 39.004, 72.024, 72.082, 72.083, 74.046, 81.075, 82.101. ***See also* Commissions, Committees, Councils, and Task Forces; Elections and Lobbying; Office of Court Administration; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**SB 855**: Effective 9/1/2023.

Require judges to complete an additional hour of training dedicated to the dynamics of and effects on victims of family violence within the five already mandated hours of continuous training during each additional term in office. Requires judges who primarily handle family law and family violence cases to complete an additional two hours of training every two years. *See* GOV'T CODE § 22.110.

## Judicial Fund

**SB 658**: Effective 9/1/2023.

Allows unclaimed funds in Interest on Lawyers' Trust Accounts (IOLTA) to be transferred from the comptroller to the Supreme Court of Texas's judicial fund to help support basic civil legal services. Grants rulemaking authority to the Comptroller of Public Accounts of the State of Texas and the Supreme Court of Texas. *See* PROP. CODE § 74.604. ***See also* Supreme Court of Texas and Texas Court of Criminal Appeals.**

## Jurisdiction and Venue

**HB 3474**: Effective 9/1/2023, except: Article 15 takes effect 6/13/2023; Sections 1.011, 2014, 2.015, 2.018, and 2.019 take effect 10/1/2023; Sections 1.014 and 1.015 take effect 10/1/2024; and Sections 1.009 and 1.016 take effect 10/1/2025.



Amends and repeals various provisions of code as it relates to the operation of the judiciary, including the docket preferences, terms of court, jurisdiction, where courts may sit, docket sharing, judge assignment, case diversion, case referral, case transfer, filing of oaths, service of process, document delivery, the operation of various proceedings, and juror qualification, summons, and exemptions. Creates new judicial districts in Denton County, Harris County, Kaufman County, Collin County, Bastrop County, Brazos County, Kendall County, and Edwards, Gillespie, and Kimball counties. Creates probate courts in Travis County, Harris County, and Bexar County. Creates statutory county court in Waller County and Wilson County, and multicounty statutory county court in Bee, Live Oak, and McMullen counties. Permits appointment of various criminal magistrates. Sets certain travel expense entitlements. Amends various sections of the Government Code related to salaries of certain judges and prosecutors, including years of service in determining judicial salary for certain groups. Adjusts salaries of state-employed associate judges appointed under Subchapters B and C, Chapter 201, Family Code. Requires the Office of Court Administration to conduct a district court caseload analysis and report from time to time. Adjusts juror reimbursement rates. Makes conforming amendments. **See also Administration of the Courts; Associate Judges and Magistrates; County Courts and District Courts; Judicial Compensation; Jury Service and Grand Jury Service; New Courts; Office of Court Administration.**

**SB 1602:** Effective 9/1/2023.

Requires action against social media platforms established in Civil Practice and Remedies Code ch. 143A to be brought and maintained in a court in Texas. *See* CIV. PRAC. & REM. CODE § 143A.0035. **See also Civil Law and Procedure.**

## Jury Service and Grand Jury Service

**HB 2015:** Effective 9/1/2023.

Raises the age at which a person qualifies for a permanent jury service exemption from age 70 to age 75. *See* GOV'T CODE §§ 62.106, 62.107, 62.108. **See also Administration of the Courts; Clerks; County Courts and District Courts; Justice Courts and Municipal Courts.**

**HB 3474:** Effective 9/1/2023, except: Article 15 takes effect 6/13/2023; Sections 1.011, 2014, 2.015, 2.018, and 2.019 take effect 10/1/2023; Sections 1.014 and 1.015 take effect 10/1/2024; and Sections 1.009 and 1.016 take effect 10/1/2025.

Amends and repeals various provisions of code as it relates to the operation of the judiciary, including the docket preferences, terms of court, jurisdiction, where courts may sit, docket sharing, judge assignment, case diversion, case referral, case transfer, filing of oaths, service of process, document delivery, the operation of various proceedings, and juror qualification, summons, and exemptions. Creates new judicial districts in Denton County, Harris County, Kaufman County, Collin County, Bastrop County, Brazos County, Kendall County, and Edwards, Gillespie, and Kimball counties. Creates probate courts in Travis County, Harris County, and Bexar County. Creates statutory county court in Waller County and Wilson County, and multicounty statutory county court in Bee, Live Oak, and McMullen counties. Permits appointment of various criminal magistrates. Sets certain travel expense entitlements. Amends various sections of the Government Code related to salaries of certain judges and prosecutors, including years





of service in determining judicial salary for certain groups. Adjusts salaries of state-employed associate judges appointed under Subchapters B and C, Chapter 201, Family Code. Requires the Office of Court Administration to conduct a district court caseload analysis and report from time to time. Adjusts juror reimbursement rates. Makes conforming amendments. **See also Administration of the Courts; Associate Judges and Magistrates; County Courts and District Courts; Judicial Compensation; Jurisdiction and Venue; New Courts; Office of Court Administration.**

## Justice Courts and Municipal Courts

**HB 367:** Effective 9/1/2023.

Allow the State Commission on Judicial Conduct to accept complaints, conduct investigations, and take other authorized actions with respect to candidates for judicial office in the same manner the commission is authorized to take those actions with respect to a judge. *See* Gov'T CODE § 33.02105. **See also Commissions, Committees, and Task Forces; County Courts and District Courts.**

**HB 1603:** Effective 9/1/2023.

Authorizes a justice or judge of a justice or municipal court to appoint any competent attorney as an attorney pro tem to represent the state if the state is not represented by counsel when a case for the prosecution of a misdemeanor offense is called to trial in the court. *See* CODE CRIM. PROC. art.45.031.

**HB 2015:** Effective 9/1/2023.

Raises the age at which a person qualifies for a permanent jury service exemption from age 70 to age 75. *See* Gov'T CODE §§ 62.106, 62.107, 62.108. **See also Administration of the Courts; Clerks; County Courts and District Courts; Jury Service and Grand Jury Service.**

**HB 2251:** Effective 9/1/2023.

Requires clerks of the court, county judges, justices of the peace, sheriffs, constables, and marshals who have been provided a computerized case and financial management system by their counties to use them to maintain a record of each fee or cost charged in criminal actions or proceedings. Requires the officer to print a hard copy of the record and present it to the defendant to fulfill a statutory requirement for charging the defendant the fees and costs. *See* CODE CRIM. PROC. art. 103.009. **See also Administration of the Courts; Clerks; Costs, Fees, Fines, and Collections; County Courts and District Courts.**

**HB 2559:** Effective 9/1/2023.

Authorizes a retired justice of the peace, comptroller of public accounts, or former comptroller of public accounts to administer oaths and give certificates of fact in Texas. *See* Gov'T CODE § 602.002.

**HB 2616:** Effective 9/1/2023.

Authorizes the mounting of signal lamps used for emergency vehicles on the vehicles used by a medical examiner's office or by a justice of the peace. Allows the use of the signal lamps when the vehicle is used in the scope of the operator's duties in conducting an inquest. Requires motorists to yield the right-of-



way; drive to the right-hand edge of the roadway; and remain stopped until the vehicle operated by the medical examiner or the justice of the peace has passed. *See* TRANSP. CODE §§ 545.156, 547.751, 547.752.

**HB 3161:** Effective 9/1/2023.

Requires a justice of the peace to conduct an inquest into the death of an unidentified person (as defined by the bill), regardless of whether the cause or circumstances of death are known. Imposes similar duty on medical examiners. *See* CODE CRIM. PROC. arts. 49.01, 49.04, 49.25; HEALTH & SAFETY CODE § 711.002.

**HB 3186:** Effective 1/1/2024.

Creates diversion strategies and procedures for children accused of certain fine-only offenses in municipal and justice courts. Requires each municipal and justice court to a written youth diversion plan which includes strategies to divert youth from formal criminal proceedings to programs to provide behavior counseling, mentoring, academic tutoring, employment strategies, parenting skills, mental health counseling, leadership training, and self-esteem building, and other strategies. Allows a court or local government to adopt rules necessary to coordinate services under a youth diversion plan and allows local governments to create regional diversion plans. Permits courts to designate a youth diversion coordinator to assist the court in certain duties and tasks. Allows courts to enter into diversion agreements with children and their parents, which agreements specify objectives, diversion strategies specifically for the child, monitoring, consequences, and terms and conditions of the agreement. Specifies that a child is eligible to enter into a diversion agreement once every 365 days and is not eligible if they have a prior unsuccessful diversion. Extends the court's jurisdiction for the agreement term. Provides that a child who successfully complies with the terms of a diversion agreement will be reported as successful to the court. Provides that a child who does not comply with the terms must be referred to the court for a hearing, at which the court must conduct a non-adversarial hearing to confer with the child and the child's parents to determine whether the diversion should be declared unsuccessful. Permits the court clerk to collect a \$50 administrative fee from parents to defray the costs of the diversion, which cannot be collected unless specified as a term of the diversion agreement accepted by the child's parents. Allows waiver of the fee due to indigency. Prohibits making diversion contingent on fee payment. Requires justice and municipal courts to maintain statistics for each diversion strategy adopted and makes all other records regarding a child's participation in a diversion confidential. Requires all records of diversion pertaining to a child to be expunged without the requirement of a motion or request on the child's 18th birthday. *See* CODE CRIM. PROC. ch. 45, arts. 102.014, 102.017; FAM. CODE § 264.302; GOV'T CODE § 22.1105; Loc. GOV'T CODE §§ 134.103, 134.156. ***See also* Juvenile Justice.**

**HB 3917:** Effective 9/1/2023.

Requires a county, justice, or municipal court to dismiss a charge against a parent alleging they committed the offense of failing to require their child to attend school if the parent enters into an agreement with the school district and fulfills the terms of the agreement. Authorizes the Texas Education Agency to adopt rules and materials to create standardized form agreements; recommend state and local counseling, training, and other programs which may be required under an agreement, including faith-based counseling or training programs or instruction on identifying problems which contribute to unexcused absences and strategies to address those problems. *See* CODE CRIM. PROC. art. 45.0531; EDUC. CODE § 25.094. ***See also* County Courts and District Courts; Criminal Law and Procedure.**



**HB 4714:** Effective 9/1/2023.

Authorizes the municipal court of the City of San Antonio to preserve a record in a case by using a good quality electronic recording device to report court proceedings rather than a court reporter. *See* Gov'T CODE § 30.00226.

**SB 372:** Effective 9/1/2023.

Requires the Supreme Court to adopt rules regarding non-public judicial work product confidentiality. Requires a person, other than a justice or judge, who is involved in crafting an opinion or decision for an adjudicatory proceeding, including a court staff attorney, court clerk, or law clerk, to maintain the confidentiality of all non-public judicial work product (as defined by the bill) in accordance with Supreme Court rules. Requires a justice or judge of a court to comply with Supreme Court rules governing confidentiality of non-public judicial work product. Makes it a Class A misdemeanor offense for a person, other than a justice or judge, with access to non-public judicial work product to knowingly disclose, wholly or partly, the contents of any non-public judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, certain state agency employees, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding. Provides certain defense to prosecution under new provision created by bill. *See* Gov'T CODE § 21.013. ***See also* Appellate Courts; County Courts and District Courts; Criminal Law and Procedure; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**SB 760:** Effective 9/1/2023.

Authorize a justice of the peace to order a physician, qualified technician, paramedic, chemist, registered professional nurse, or licensed vocational nurse to take a blood specimen from the body of a deceased person to aid in the confirmation or determination of the cause and manner of death while conducting an inquest. *See* CODE CRIM. PROC. art. 49.10(j).

**SB 1259:** Effective 9/1/2023.

Increases the maximum judgment amount that may be awarded by a justice court in a case involving the repair or remedy of conditions of a residential rental property from \$10,000 to \$20,000, excluding interest and costs of court. *See* PROP. CODE § 92.0563(e). ***See also* Civil Law and Procedure.**

**SB 2479:** Effective 9/1/23.

Amends various sections of the Health and Safety Code and Code of Criminal Procedure related to mental health. Amended the Code of Criminal Procedure to reconcile the conflict created to offenses that are eligible for personal bonds and offenses that allow for a mental health personal bond. Allows for, but does not require, a magistrate who receives credible information that may establish reasonable cause to believe that a Class C Misdemeanor defendant has a mental illness or is a person with an intellectual disability to order a mental health service provider to conduct an interview. Allows for licensed mental health professionals, in addition to physicians, who may request an electronic warrant for an emergency mental health detention. *See* HEALTH & SAFETY CODE § 573.012; CODE CRIM. PROC. arts. 16.22, 17.03. ***See also* Bail; Commissions, Committees, Councils, and Task Forces; Guardianship and Mental Health; Magistrate Duties.**



## Juvenile Justice

**HB 422:** Effective 6/13/2023.

Allows a detention hearing to be conducted as a remote proceeding under certain circumstances. Permits a juvenile court to allow or require certain parties to participate in a detention hearing conducted as a remote proceeding. Requires a juvenile court judge to submit to the Office of Court Administration a certain plan for conducting a detention hearing as a remote proceeding. *See* FAM. CODE § 54.012.

**HB 446:** Effective 9/1/2023.

Amends various statutes regarding the terminology used for individuals with intellectual disabilities. ***See also Civil Law and Procedure; Criminal Law and Procedure; Family Law; Guardianship and Mental Health.***

**HB 3186:** Effective 1/1/2024.

Creates diversion strategies and procedures for children accused of certain fine-only offenses in municipal and justice courts. Requires each municipal and justice court to a written youth diversion plan which includes strategies to divert youth from formal criminal proceedings to programs to provide behavior counseling, mentoring, academic tutoring, employment strategies, parenting skills, mental health counseling, leadership training, and self-esteem building, and other strategies. Allows a court or local government to adopt rules necessary to coordinate services under a youth diversion plan and allows local governments to create regional diversion plans. Permits courts to designate a youth diversion coordinator to assist the court in certain duties and tasks. Allows courts to enter into diversion agreements with children and their parents, which agreements specify objectives, diversion strategies specifically for the child, monitoring, consequences, and terms and conditions of the agreement. Specifies that a child is eligible to enter into a diversion agreement once every 365 days and is not eligible if they have a prior unsuccessful diversion. Extends the court's jurisdiction for the agreement term. Provides that a child who successfully complies with the terms of a diversion agreement will be reported as successful to the court. Provides that a child who does not comply with the terms must be referred to the court for a hearing, at which the court must conduct a non-adversarial hearing to confer with the child and the child's parents to determine whether the diversion should be declared unsuccessful. Permits the court clerk to collect a \$50 administrative fee from parents to defray the costs of the diversion, which cannot be collected unless specified as a term of the diversion agreement accepted by the child's parents. Allows waiver of the fee due to indigency. Prohibits making diversion contingent on fee payment. Requires justice and municipal courts to maintain statistics for each diversion strategy adopted and makes all other records regarding a child's participation in a diversion confidential. Requires all records of diversion pertaining to a child to be expunged without the requirement of a motion or request on the child's 18th birthday. *See* CODE CRIM. PROC. ch. 45, arts. 102.014, 102.017; FAM. CODE § 264.302; GOV'T CODE § 22.1105; Loc. GOV'T CODE §§ 134.103, 134.156. ***See also Justice Courts and Municipal Courts.***

**HB 5195:** Effective 9/1/2023.

Requires child who has been transferred for criminal prosecution and ordered to be detained in a juvenile facility pending criminal proceedings to receive certain education, programming, and other services. *See* FAM. CODE § 54.021.



## Legal Profession

**HB 17:** Effective 9/1/2023.

Expands the scope of “official misconduct” that could subject a prosecuting attorney (a district attorney or county attorney with criminal jurisdiction) to a petition for removal from office. Amends process by which a petition to remove a prosecuting attorney may be filed. Amends assignment of judge and trial process in certain cases involving petition for certain removal of prosecuting attorney. *See* Loc. Gov’t CODE §§ 87.011, 87.0131, 87.015, 87.0151, 87.018.

**HB 527:** Effective 9/1/2023.

Makes the Citizens Participation Act (Chapter 27, Civil Practice and Remedies Code) inapplicable to a legal malpractice claim. *See* CIV. PRAC. & REM. CODE § 27.010(a). ***See also* Civil Law and Procedure.**

**HB 5010:** Effective 9/1/2023.

Refines classification of grievances filed with the State Bar against attorneys. Provides additional clarify for when filed grievance is a complaint versus an inquiry. Grants attorneys the ability to appeal grievance classification. *See* Gov’t CODE §§ 81.073, 81.074.

**SB 510:** Effective 9/1/2023.

Makes confidential and not subject to disclosure under the Public Information Act certain information held by the State Bar of Texas under Chapter 81, Government Code, including a law license application as well as certain personally identifiable information, residential and various contact information, and payment information of an individual licensed to practice law. *See* Gov’t CODE § 552.1176. ***See also* Open Records and Open Meetings.**

## Magistrate Duties

**HB 767:** Effective 9/1/2023.

Provides for the entry into the Texas Crime Information Center of information relating to condition of bond on a defendant in cases involving stalking and establishes the duties of magistrates, sheriffs, court clerks, and the Department of Public Safety related to the entry of that information. *See* CODE CRIM. PROC. art. 17.50 (b)(f). ***See also* Bail; Clerks; Criminal Law and Procedure.**

**HB 1712:** Effective 9/1/2023.

Requires any signed order that is issued by a magistrate in a criminal matter to include, along with the magistrate’s signature, the magistrate’s name in printed or typewritten form or legible stamp print. Authorizes a defendant to make a motion to include a legible name on any order that does not comply with the bill if the defendant is unable to identify the magistrate who signed the order. *See* CODE CRIM. PROC. art. 2.101.



**SB 2479:** Effective 9/1/23.

Amends various sections of the Health and Safety Code and Code of Criminal Procedure related to mental health. Amended the Code of Criminal Procedure to reconcile the conflict created to offenses that are eligible for personal bonds and offenses that allow for a mental health personal bond. Allows for, but does not require, a magistrate who receives credible information that may establish reasonable cause to believe that a Class C Misdemeanor defendant has a mental illness or is a person with an intellectual disability to order a mental health service provider to conduct an interview. Allows for licensed mental health professionals, in addition to physicians, who may request an electronic warrant for an emergency mental health detention. *See* HEALTH & SAFETY CODE § 573.012; CODE CRIM. PROC. arts. 16.22, 17.03. ***See also* Bail; Commissions, Committees, Councils, and Task Forces; Guardianship and Mental Health; Justice Courts and Municipal Courts.**

## New Courts

**HB 19:** Effective 9/1/2023.

Creates a specialized business trial court composed of all counties in Texas. Sets jurisdictional and operational parameters for the new court, subdivides business court into divisions consistent with the administrative judicial regions, and outlines assignment and compensation of business court judges. Makes business court administratively attached to Office of Court Administration (OCA) and requires OCA to provide administrative support to the business court. Requires Supreme Court of Texas to adopt procedural rules for the business court. *See* GOV'T CODE ch. 25A; GOV'T CODE §§ 659.012, 837.001. ***See also* Office of Court Administration; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**HB 3474:** Effective 9/1/2023, except: Article 15 takes effect 6/13/2023; Sections 1.011, 2014, 2.015, 2.018, and 2.019 take effect 10/1/2023; Sections 1.014 and 1.015 take effect 10/1/2024; and Sections 1.009 and 1.016 take effect 10/1/2025.

Amends and repeals various provisions of code as it relates to the operation of the judiciary, including the docket preferences, terms of court, jurisdiction, where courts may sit, docket sharing, judge assignment, case diversion, case referral, case transfer, filing of oaths, service of process, document delivery, the operation of various proceedings, and juror qualification, summons, and exemptions. Creates new judicial districts in Denton County, Harris County, Kaufman County, Collin County, Bastrop County, Brazos County, Kendall County, and Edwards, Gillespie, and Kimball counties. Creates probate courts in Travis County, Harris County, and Bexar County. Creates statutory county court in Waller County and Wilson County, and multicounty statutory county court in Bee, Live Oak, and McMullen counties. Permits appointment of various criminal magistrates. Sets certain travel expense entitlements. Amends various sections of the Government Code related to salaries of certain judges and prosecutors, including years of service in determining judicial salary for certain groups. Adjusts salaries of state-employed associate judges appointed under Subchapters B and C, Chapter 201, Family Code. Requires the Office of Court Administration to conduct a district court caseload analysis and report from time to time. Adjusts juror reimbursement rates. Makes conforming amendments. ***See also* Administration of the Courts; Associate Judges and Magistrates; County Courts and District Courts; Judicial Compensation; Jurisdiction and Venue; Jury Service and Grand Jury Service; Office of Court Administration.**





## Office of Court Administration

**HB 19:** Effective 9/1/2023.

Creates a specialized business trial court composed of all counties in Texas. Sets jurisdictional and operational parameters for the new court, subdivides business court into divisions consistent with the administrative judicial regions, and outlines assignment and compensation of business court judges. Makes business court administratively attached to Office of Court Administration (OCA) and requires OCA to provide administrative support to the business court. Requires Supreme Court of Texas to adopt procedural rules for the business court. *See* Gov'T CODE ch. 25A; Gov'T CODE §§ 659.012, 837.001. ***See also* New Courts; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**HB 139:** Effective 6/13/2023, except Section 1 takes effect 9/1/2023.

Amends various statutes relating to the provision of notice of certain proposed rules by certain state agencies. *See* Gov'T CODE §§ 2001.023, 2001.024, 2001.0261.

**HB 841:** Effective 9/1/2023.

Requires the Texas Judicial Council to collect case-level data from state judges and other court officials. Requires the Judicial Council to adopt rules on case-level data collection. *See* Gov'T CODE § 71.035. ***See also* Clerks; Commissions, Committees, Councils, and Task Forces.**

**HB 1817:** Effective 6/9/2023.

Gives a governmental entity or state agency 10 business days to file a disclosure of interested parties, otherwise known as Form 1295, for certain contracts if the disclosure or form is found to not be on file with the Texas Ethics Commission in violation of state government transparency laws. *See* Gov'T CODE § 2252.908.

**HB 2157:** Effective 9/1/2023.

Allows a state agency to set the compensation rate for an employee who transfers from one classified position to another position in the agency with the same classification so long as the compensation is within the appropriate salary group for that position under the state's classification schedule. Requires the vacant position to which the employee transfers to be publicly listed and the employee to accept the position at the advertised salary. *See* Gov'T CODE § 659.2532. ***See also* Appellate Courts; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**HB 2384:** Effective 9/1/2023.

Requires candidates for judicial offices in the appellate courts, district courts, and statutory county courts to disclose their membership number in the State Bar of Texas plus any other state where they have held a license as an attorney, any disciplinary sanction imposed by the bar or the bar of another state, certain criminal convictions, the nature of their practices, and information regarding their experiences as litigators or appellant attorneys. Specifies that any sanction the State Commission on Judicial Conduct imposes on a justice or judge for making a false declaration on an application to run for judicial office is a public record. Allows the state bar to sanction an attorney who made a false declaration on an application to run for judicial office. Requires the Supreme Court to adopt rules requiring each justice and judge to



complete at least 30 hours of judicial training during their first year in office and to complete at 16 hours of training during each subsequent year in office, subject to exceptions for medical or physical disability. Creates a process for the Commission on Judicial Conduct to suspend a judge who is not in compliance with continuing education requirements until the judge becomes compliant. Creates a process for the removal of a judge who is not compliant with the education requirements for longer than one year. Requires the director of the Office of Court Administration to develop standards to identify courts that need additional assistance to promote the efficient administration of justice. Allows presiding judges to appoint a judicial mentor or arrange for additional administrative personnel for courts identified as needing assistance. Requires the Office of Court Administration to annually report on disaggregated performance measures for each appellate court, district court, statutory county court, statutory probate court, and county court. Requires the office to collect and report on each trial court's performance on the following performance measures: clearance rate, average time a case is before the court, age of court's active pending case load. Requires the Supreme Court of Texas to adopt rules to establish the specialty certification for attorneys in the practice of judicial administration. *See* ELEC. CODE § 141.0311; GOV'T CODE §§ 33.032, 39.001, 39.002, 39.003, 39.004, 72.024, 72.082, 72.083, 74.046, 81.075, 82.101. ***See also* Commissions, Committees, Councils, and Task Forces; Elections and Lobbying; Judicial Education; Supreme Court of Texas and Texas Court of Criminal Appeals.**

**HB 3474**: Effective 9/1/2023, except: Article 15 takes effect 6/13/2023; Sections 1.011, 2014, 2.015, 2.018, and 2.019 take effect 10/1/2023; Sections 1.014 and 1.015 take effect 10/1/2024; and Sections 1.009 and 1.016 take effect 10/1/2025.

Amends and repeals various provisions of code as it relates to the operation of the judiciary, including the docket preferences, terms of court, jurisdiction, where courts may sit, docket sharing, judge assignment, case diversion, case referral, case transfer, filing of oaths, service of process, document delivery, the operation of various proceedings, and juror qualification, summons, and exemptions. Creates new judicial districts in Denton County, Harris County, Kaufman County, Collin County, Bastrop County, Brazos County, Kendall County, and Edwards, Gillespie, and Kimball counties. Creates probate courts in Travis County, Harris County, and Bexar County. Creates statutory county court in Waller County and Wilson County, and multicounty statutory county court in Bee, Live Oak, and McMullen counties. Permits appointment of various criminal magistrates. Sets certain travel expense entitlements. Amends various sections of the Government Code related to salaries of certain judges and prosecutors, including years of service in determining judicial salary for certain groups. Adjusts salaries of state-employed associate judges appointed under Subchapters B and C, Chapter 201, Family Code. Requires the Office of Court Administration to conduct a district court caseload analysis and report from time to time. Adjusts juror reimbursement rates. Makes conforming amendments. ***See also* Administration of the Courts; Associate Judges and Magistrates; County Courts and District Courts; Judicial Compensation; Jurisdiction and Venue; Jury Service and Grand Jury Service; New Courts.**

**HB 3698**: Effective 9/1/2023.

Requires the Office of Court Administration to make the protective order registry searchable by any known common misspellings of the name of a person who is the subject of the protective order any known aliases of a person who is the subject of the protective order. Adds magistrates to the list of



users permitted to have restricted access to copies of protective orders and copies of applications for protective orders. *See* GOV'T CODE §§ 72.154 (a), 72.155. ***See also Protective Orders.***

**HB 3730**: Effective 9/1/2023.

Requires each entity using the centralized capitol complex telephone system to provide to the Department of Information Resources the email address of each person who uses the system. Requires the department to include email addresses in the telephone directory for the capitol complex. *See* GOV'T CODE § 2170.059.

**HB 4510** Effective 9/1/2024.

Specifies when annual financial reports must be submitted by state agencies. *See* GOV'T CODE §§ 2101.011, 2115.005; HEALTH & SAFETY CODE § 61.040.

**HB 4553**: Effective 9/1/2023.

Amends various sections of code to expand the availability of Department of Information Resources services to local governments and the Texas Supreme Court, Texas Court of Criminal Appeals, and the courts of appeals, as well as other judicial branch entities. ***See also Appellate Courts; Supreme Court of Texas and Texas Court of Criminal Appeals.***

**SB 48**: Effective 6/18/2023.

Requires the Office of Court Administration (OCA), in consultation with certain individuals, organizations, and state agencies that have knowledge and experience with the issues of protective orders, to develop and make available on its website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce a protective order, a magistrate's order for emergency protection, or a temporary ex parte order. Requires a person filing an application for a protective order, a court issuing a temporary ex parte order or a protective order, or a magistrate issuing an order for emergency protection to use the applicable standardized form and establishes that a court's or magistrate's failure to use the standardized order form would not affect the validity or enforceability of the order. Requires OCA to conduct a study on the effectiveness of protective orders in protecting victims of violence in this state and to create a report based on the study to include an evaluation of the effectiveness of protective orders in protecting victims of violence in this state by deterring the person who is the subject of the order from engaging in the conduct prohibited under those orders; and legislative recommendations on methods to improve the enforcement of protective orders in this state. Requires the Texas Department of Public Safety to assist OCA in conducting the study by providing OCA criminal history records at the time and in the form requested by OCA. Requires OCA to submit the report to the governor, lieutenant governor, speaker of the house of representatives, and appropriate committees of the legislature not later than September 1, 2024. *See* CODE CRIM. PROC. arts. 7B.001, 7B.0021, 7B.003, 17.292; FAM. CODE §§ 82.004, 83.007, 85.0021; GOV'T CODE § 72.039. ***See also Office of Court Administration.***

**SB 271**: Effective 9/1/2023.

Revises the scope of state cybersecurity incident procedures to cover certain local government bodies. Expands the incidents that require notification by state agencies and certain local government bodies to the Department of Information Resources (DIR) to include all "security incidents," defined by the bill as



a breach or suspected breach of system security and the introduction of ransomware into a computer, computer network, or computer system. Requires state agencies and local government bodies to comply with DIR rules relating to reporting security incidents. *See* Gov'T CODE § 2054.603. ***See also* Courthouse Security and Judicial Privacy; Government Entity or Political Subdivision.**

**SB 380**: Effective 5/23/2023.

Provides that a party to a proceeding in a court who files a statement of inability to afford payment of court costs is not required to provide an interpreter at the party's expense or pay certain associated costs unless the statement has been contested and the court has ordered the party to pay costs. Requires each county auditor or other designated individual, in consultation with the district and county clerks, to submit to the Office of Court Administration (OCA), in a manner prescribed by OCA, information on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil and criminal proceedings. Specifies what information must be included in the submission. Requires OCA to submit to the legislature, no later than December 1 of each year, a report that aggregates by county the information submitted for the preceding year. Requires OCA to publish the report on its website. *See* Gov'T CODE § 57.002(g), (h). ***See also* Administration of the Courts; Clerks.**

## Open Records and Open Meetings

**SB 435**: Effective 5/24/2023.

Amends the Texas Public Information Act to allow prosecutors to permit certain family members of a victim of crime that resulted in victim's death to view the medical examiner's report and video of the crime scene. *See* Gov'T CODE § 552.108(d), (e), (f), (g), and (h).

**SB 510**: Effective 9/1/2023.

Makes confidential and not subject to disclosure under the Public Information Act certain information held by the State Bar of Texas under Chapter 81, Government Code, including a law license application as well as certain personally identifiable information, residential and various contact information, and payment information of an individual licensed to practice law. *See* Gov'T CODE § 552.1176. ***See also* Legal Profession.**

## Other Laws and Regulations

**HB 63**: Effective 9/1/2023.

Prohibits the Texas Department of Family and Protective Services from accepting an anonymous child abuse report and requires the agency to notify the caller that an audio recording of the report is being made and making a false report is a criminal offense punishable as a state jail or third-degree felony. *See* FAM. CODE §§ 261.104, 261.201, 261.304(a), 261.307.



**HB 291**: Effective 9/1/2023.

Revises provisions relating to the state's occupational driver's licensure (ODL) program. Establishes who is eligible to apply for an ODL, revises provisions relating to venue where an ODL was suspended, revoked, or canceled, limits certain filings, and revises various statutes related to a petition for an ODL. *See* TRANSP. CODE ch. 521, §§ 601.332, 706.005; FAM. CODE § 54.042; GOV'T CODE §§ 75.014, 123.009.

**HB 907**: Effective 9/1/2023.

Refers to certain Tax Code definitions to define the judges who have authority to conduct a marriage ceremony. *See* FAM. CODE §§ 2.202(a), (b).

**HB 915**: Effective 9/1/2023.

Requires employers to post a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the Department of Public Safety. *See* LAB. CODE § 104A.003.

**HB 1382**: Effective 9/1/2023.

Allows counties to conduct a public sale of real property taken in execution of a judgment through an online auction using online bidding and sale. *See* CIV. PRAC. & REM. CODE § 34.041.

**HB 2190**: Effective 9/1/2023.

Revises terminology used to describe transportation-related accidents in various codes.

**HB 2291**: Effective 9/1/2023.

Exempts retired judges and justices who are licensed to carry a handgun from statutory restrictions on the possession of firearms on or around certain locations. *See* PENAL CODE § 46.15. ***See also* Courthouse Security and Judicial Privacy.**

**SB 1300**: Effective 9/1/2023.

Modifies the list of individuals ranked in priority who may, along with the cemetery organization operating the cemetery and the owner of the burial plot, consent to the removal of a decedent's remains from the plot. Adds a person appointed by the decedent to the list as having the highest priority. *See* HEALTH & SAFETY CODE §§ 711.002, 711.004.

**SB 1401**: Effective 9/1/2023.

Amends various sections of statute to strengthen the rights of sexual assault survivors as they relate to forensic medical examination.

**SB 1514**: Effective 9/1/2023.

Makes various updates and modernizations in the Business & Commerce Code and Business Organizations Code impacting Texas business organizations and specific modifications affecting corporations, LLCs, and partnerships.



**SB 1768**: Effective 5/29/2023.

Corrects and repeals various obsolete sections of the Property Code relating to the Texas Residential Construction Commission Act. Updates citations to the Insurance Code, Business Organizations Code, Human Resources Code.

## Probate, Trusts, and Estates

**HB 2196**: Effective 6/9/2023.

Modifies conditions under which homestead property may be placed in, or transferred to, a trust for use as a homestead by the beneficiaries or the settlors of the trust and still retain homestead protection from creditors. Allows the property to retain homestead status so long as no one other than the spouse of the settlor who created the trust revokes the trust or exercises the power of appointment over the trust. Specifies that the status of a beneficiary of a trust does not change to settlor of the trust when the beneficiary holds or exercises the testamentary power to appoint assets of the trust to the benefit of certain third parties. Specifies trust assets a beneficiary appoints to certain third parties are subject to the claims of the beneficiary's creditors and are not part of beneficiary's estate under certain circumstances, subject to limitations. Clarifies the effective date of governing instruments creating an interest in a trust for purposes of the rule against perpetuities. Specifies the rule against perpetuities on or after September 1, 2021, requires an interest in a trust must vest, if at all, no later than the latter of 300 years after the effective date or 21 years after a life in being on the effective date plus a gestation period. Specifies that if the effective date of an interest in a trust is prior to September 1, 2021, the interest must vest, if at all, no later than 21 years after a life in being plus a gestation period. Allows the transfer of property from a trust to a second trust which retains the name as the first trust, without retitling the property or, subject to federal law, obtaining a new tax identification number. Conditions the authority of courts to appoint an attorney ad litem to represent the interests of any party in a proceeding by or against a trustee or otherwise concerning a trust upon the court's determination that representation would otherwise be inadequate. *See PROP. CODE §§ 41.0021, 112.035, 112.036, 112.0715, 115.014.*

**HB 4559**: Effective 9/1/2023.

Amends various statutes that classify political subdivisions according to population. Takes into account the new census data contained in the 2020 federal census and updates population brackets as necessary so that the statutes using those brackets continue to apply to the political subdivisions for which the brackets were intended.

**HB 4765**: Effective 9/1/2023.

Defines the term "adoptive parent" for purposes of inheritance under the laws of descent and distribution as a parent who adopted a child under various statutory procedures or, as considered by a court, through equity or by equitable estoppel. *See EST. CODE § 201.054(e).*

**SB 1373**: Effective 9/1/2023.

Amends various sections of the Estates Code relating to decedents' estates and the delivery of certain notices or other communications in connection with those estates or multiple-party accounts. Allows





for the delivery of notice and citation in various probate proceedings by hand delivery via a private courier service, registered or certified mail, or by certain private delivery services with receipt of delivery. Specifies liabilities and rights applicable to community property upon the death of a spouse and the surviving spouse's obligation to account for debts paid from the estate of the deceased spouse. Clarifies that a surviving spouse, as surviving partner of a marital relationship, is entitled to exercise any power authorized by applicable law over community property that was legally under the sole management of the surviving spouse during the marriage as if there is no administration pending on the deceased spouse's estate. Increases from 12 to 16 years the age at which a minor may waive service of process in proceedings to declare heirship and probate a will. Authorizes a person interested in an estate solely because the person is a creditor or has a claim against the estate to serve as a witness in such a proceeding if the person is otherwise a credible witness. People who are seeking appointment as personal representatives, executors, and administrators in probate cases may sign a declaration in lieu of swearing an oath. Qualifies a felon who is convicted under the laws of the United States or any state in the United States to serve as an executor or administrator of an estate if all distributees of the decedent agree on and collectively designate the person to serve as executor or administrator and acknowledge the conviction in certain applications.

**SB 1612**: Effective 1/1/2024, except Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, and 27(a) take effect September 1, 2023.

Amends and repeals various sections of the Estates Code, Family Code, Government Code, Local Government Code, and Code of Criminal Procedure relating to standardization of court administration procedures, costs, and certain filing fees. **See also Administration of the Courts; Clerks; Costs, Fees, Fines, and Collections; Family Law.**

**SB 1650**: Effective 9/1/2023.

Consolidates provisions relating to the authority of an agent appointed by a durable power of attorney upon the appointment of a permanent or temporary guardian over the principal who executed the power of attorney. Permits courts to allow the agent to continue to hold power and authority of the power of attorney during the guardianship. Clarifies the powers an agent may exercise on behalf the principal in conducting business operations transactions for business entities in which the principal has an ownership interest. Allows for the award of attorney's fees and costs in actions brought to construe or determine the validity of a power of attorney or to review the agent's conduct under the power of attorney. Exempts a disclaimer made by a fiduciary acting in a fiduciary capacity that would result in an interest in or power over property passing to the person making the disclaimer from the requirement for the court to approve the disclaimer in order for it to be effective if the disclaimer is authorized instead under the Durable Power of Attorney Act. *See* EST. CODE §§ 751.002, 751.00201, 751.133, 751.251, 752.001, 752.107; PROP. CODE § 240.008. **See also Guardianship and Mental Health.**



# Protective Orders

**HB 660:** Effective 9/1/2023.

Establishes requirements for law enforcement agencies regarding entry protective order information into the agency's computer records and into the statewide law enforcement information system, provides for the enforcement of temporary ex parte orders, and provides for the notification to applicable recipients of a change of address or telephone number of a person protected by a protective order. *See* FAM. CODE §§ 83.0025, 86.001, 86.0011, 87.004.

**HB 1423:** Effective 9/1/2023.

Establishes requirements for providing information regarding the expiration and any possible extensions of a protective order in which the respondent is released from custody and for the Texas Department of Public Safety to update the statewide law enforcement information system to reflect the expiration date of a protective order following the release of a person subject to the order. *See* FAM. CODE § 85.025(d).

**HB 1432:** Effective 9/1/2023.

Removes the condition that the court find family violence is "likely to occur in the future" before issuance of a family violence protective order, thus providing consistency in the process to obtain a family violence protective order to be the same standard as protective orders for victims of stalking, sexual assault, and human trafficking. *See* FAM. CODE chs. 81, 85; CODE CRIM. PROC. art. 7B.

**HB 2715:** Effective 9/1/2023.

Provides that a court may require in protective orders, magistrate's orders for emergency protection, conditions of release on bond, and temporary restraining orders in suits for dissolution of a marriage, that the person subject to the order must refrain from tracking or monitoring personal property or a motor vehicle in the possession of the alleged victim of the offense, without the victim's effective consent, including by using a tracking application on a personal electronic device in the possession of the victim or using a tracking device; or physically following the victim or causing another to physically follow the victim. Adds the above conduct in the criminal offense of Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case. *See* CODE CRIM. PROC. arts 7B.005 (a), 17.292 (c), 17.49 (b); FAM. CODE §§ 6.501 (a), 85.022 (b); PENAL CODE §§ 25.07 (a), 42.07 (a), 42.07 (e). ***See also Criminal Law and Procedure.***

**HB 3698:** Effective 9/1/2023.

Requires the Office of Court Administration to make the protective order registry searchable by any known common misspellings of the name of a person who is the subject of the protective order any known aliases of a person who is the subject of the protective order. Adds magistrates to the list of users permitted to have restricted access to copies of protective orders and copies of applications for protective orders. *See* GOV'T CODE §§ 72.154 (a), 72.155. ***See also Office of Court Administration.***

**SB 48:** Effective 6/18/2023.

Requires the Office of Court Administration (OCA), in consultation with certain individuals, organizations, and state agencies that have knowledge and experience with the issues of protective orders, to develop



and make available on its website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce a protective order, a magistrate's order for emergency protection, or a temporary ex parte order. Requires a person filing an application for a protective order, a court issuing a temporary ex parte order or a protective order, or a magistrate issuing an order for emergency protection to use the applicable standardized form and establishes that a court's or magistrate's failure to use the standardized order form would not affect the validity or enforceability of the order. Requires OCA to conduct a study on the effectiveness of protective orders in protecting victims of violence in this state and to create a report based on the study to include an evaluation of the effectiveness of protective orders in protecting victims of violence in this state by deterring the person who is the subject of the order from engaging in the conduct prohibited under those orders; and legislative recommendations on methods to improve the enforcement of protective orders in this state. Requires the Texas Department of Public Safety to assist OCA in conducting the study by providing OCA criminal history records at the time and in the form requested by OCA. Requires OCA to submit the report to the governor, lieutenant governor, speaker of the house of representatives, and appropriate committees of the legislature not later than September 1, 2024. *See* CODE CRIM. PROC. arts. 7B.001, 7B.0021, 7B.003, 17.292; FAM. CODE §§ 82.004, 83.007, 85.0021; GOV'T CODE § 72.039. ***See also* Office of Court Administration.**

**SB 578:** Effective 9/1/2023.

Expands confidentiality protections for protective order applicants by providing for the confidentiality of the county of residence of and certain residential and contact information of an applicant for or a person protected by a family violence protective order. *See* FAM. CODE §§ 82.011, 85.007.

## Specialty Courts

**HB 2741:** Effective 9/1/2023.

Incorporates certain juvenile family drug program into scope of Specialty Courts Advisory Council (SCAC) grant funding and best practices recommendations. Modifies composition of SCAC. Requires SCAC to make recommendations to the Texas Judicial Council regarding certain best practices for specialty courts. *See* GOV'T CODE § 772.0061.

## Supreme Court of Texas and Texas Court of Criminal Appeals

**HB 19:** Effective 9/1/2023.

Creates a specialized business trial court composed of all counties in Texas. Sets jurisdictional and operational parameters for the new court, subdivides business court into divisions consistent with the administrative judicial regions, and outlines assignment and compensation of business court judges. Makes business court administratively attached to Office of Court Administration (OCA) and requires OCA to provide administrative support to the business court. Requires Supreme Court of Texas to adopt



procedural rules for the business court. See Gov'T CODE ch. 25A; Gov'T CODE §§ 659.012, 837.001. **See also New Courts; Office of Court Administration.**

**HB 2157:** Effective 9/1/2023.

Allows a state agency to set the compensation rate for an employee who transfers from one classified position to another position in the agency with the same classification so long as the compensation is within the appropriate salary group for that position under the state's classification schedule. Requires the vacant position to which the employee transfers to be publicly listed and the employee to accept the position at the advertised salary. See Gov'T CODE § 659.2532. **See also Appellate Courts; Office of Court Administration.**

**HB 2384:** Effective 9/1/2023.

Requires candidates for judicial offices in the appellate courts, district courts, and statutory county courts to disclose their membership number in the State Bar of Texas plus any other state where they have held a license as an attorney, any disciplinary sanction imposed by the bar or the bar of another state, certain criminal convictions, the nature of their practices, and information regarding their experiences as litigators or appellant attorneys. Specifies that any sanction the State Commission on Judicial Conduct imposes on a justice or judge for making a false declaration on an application to run for judicial office is a public record. Allows the state bar to sanction an attorney who made a false declaration on an application to run for judicial office. Requires the Supreme Court to adopt rules requiring each justice and judge to complete at least 30 hours of judicial training during their first year in office and to complete at 16 hours of training during each subsequent year in office, subject to exceptions for medical or physical disability. Creates a process for the Commission on Judicial Conduct to suspend a judge who is not in compliance with continuing education requirements until the judge becomes compliant. Creates a process for the removal of a judge who is not compliant with the education requirements for longer than one year. Requires the director of the Office of Court Administration to develop standards to identify courts that need additional assistance to promote the efficient administration of justice. Allows presiding judges to appoint a judicial mentor or arrange for additional administrative personnel for courts identified as needing assistance. Requires the Office of Court Administration to annually report on disaggregated performance measures for each appellate court, district court, statutory county court, statutory probate court, and county court. Requires the office to collect and report on each trial court's performance on the following performance measures: clearance rate, average time a case is before the court, age of court's active pending case load. Requires the Supreme Court of Texas to adopt rules to establish the specialty certification for attorneys in the practice of judicial administration. See ELEC. CODE § 141.0311; Gov'T CODE §§ 33.032, 39.001, 39.002, 39.003, 39.004, 72.024, 72.082, 72.083, 74.046, 81.075, 82.101. **See also Commissions, Committees, Councils, and Task Forces; Elections and Lobbying; Judicial Education; Office of Court Administration.**

**HB 2850:** Effective 9/1/2023.

Adds a new title to the Family Code related to Civil Procedure. Adds a new chapter to the Family Code related to discovery provision for civil actions brought under the Family Code. Prohibits the new chapter added by the bill from being modified or repealed by a rule adopted by the Supreme Court of Texas. See FAM. CODE tit. 6, ch. 301. **See also Family Law.**



**HB 3929:** Effective 9/1/2023.

Authorizes the Supreme Court of Texas to adopt, before September 1, 2025, the Uniform Interstate Depositions and Discovery Act as rules of civil procedure. Contingent upon the court's adoption of those rules by September 1, 2025, repeals Section 20.002 of the Civil Practices and Remedies Code which allows for compulsory appearance and testimony of a witness if a court of another state or foreign jurisdiction issues a mandate, writ, or commission requiring the witness's testimony in this state, either by written questions or by oral deposition. Continues Section 20.002 in effect if the court does not adopt the Act as rules of civil procedure before September 1, 2025. *See* CIV. PRAC. & REM. CODE § 20.002. ***See also Civil Law and Procedure.***

**HB 4553:** Effective 9/1/2023.

Amends various sections of code to expand the availability of Department of Information Resources services to local governments and the Texas Supreme Court, Texas Court of Criminal Appeals, and the courts of appeals, as well as other judicial branch entities. ***See also Appellate Courts; Office of Court Administration.***

**SB 372:** Effective 9/1/2023.

Requires the Supreme Court to adopt rules regarding non-public judicial work product confidentiality. Requires a person, other than a justice or judge, who is involved in crafting an opinion or decision for an adjudicatory proceeding, including a court staff attorney, court clerk, or law clerk, to maintain the confidentiality of all non-public judicial work product (as defined by the bill) in accordance with Supreme Court rules. Requires a justice or judge of a court to comply with Supreme Court rules governing confidentiality of non-public judicial work product. Makes it a Class A misdemeanor offense for a person, other than a justice or judge, with access to non-public judicial work product to knowingly disclose, wholly or partly, the contents of any non-public judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, certain state agency employees, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding. Provides certain defense to prosecution under new provision created by bill. *See* GOV'T CODE § 21.013. ***See also Appellate Courts; County Courts and District Courts; Criminal Law and Procedure; Justice Courts and Municipal Courts.***

**SB 658:** Effective 9/1/2023.

Allows unclaimed funds in Interest on Lawyers' Trust Accounts (IOLTA) to be transferred from the comptroller to the Supreme Court of Texas's judicial fund to help support basic civil legal services. Grants rulemaking authority to the Comptroller of Public Accounts of the State of Texas and the Supreme Court of Texas. *See* PROP. CODE § 74.604. ***See also Judicial Fund.***

**SB 1180:** Effective 5/24/2023.

Creates a process for determining whether a claim filed by a sexually violent predator who has been civilly committed and who has filed an affidavit or declaration of inability to pay costs should be dismissed as a false, frivolous, or malicious claim. Authorizes a court to hold a hearing to make the determination or to determine if the claim of indigency is false on the motion of the court, a party, or the clerk of the court. Specifies criteria for making the determination and specifies information which the civilly committed



individual must file. Permits hearing to be conducted by videoconference, a copy of which may serve as the record, and witnesses may testify by written statements under oath or by unsworn declaration. Permits a court to order the civilly committed individual to pay court fees, court costs, and other costs., Requires the court, upon finding the claim had previously been found to be false or malicious, to order the plaintiff to pay court costs and fees plus costs of serving process, postage, transportation, housing, and medical care incurred in connection with the plaintiff's appearance in court. Creates a procedure for the Texas Civil Commitment Office or its contracted facility holding plaintiff to withhold moneys from the plaintiff's account until costs are paid in full or until plaintiff is no longer under commitment. Bars a plaintiff who has not paid ordered costs in full from filing another action, subject to limited exceptions. Requires the Supreme Court to adopt rules to create a system to refer suits from civilly committed individuals to a magistrate. *See* CIV. PRAC. & REM. CODE ch. 14A. ***See also Civil Law and Procedure.***

**SB 1603**: Effective 9/1/2023.

Provides that, where a court of appeals does not accept an interlocutory appeal of an order that involves certain controlling questions of law on which there is substantial ground for difference of opinion where the appeal from the order may materially advance the ultimate termination of the litigation, the appeals court must state in its decision the specific reason for finding the appeal is not warranted. Authorizes the Texas Supreme Court to review an appeals court decision not to accept an interlocutory appeal under an abuse of discretion standard. *See* CIV. PRAC. & REM. CODE § 51.014. ***See also Appellate Courts; Civil Law and Procedure.***

**SB 2106**: Effective 9/1/2023.

Requires the Supreme Court of Texas to adopt rules on ineligibility to renew a certification, registration, or license issued by the Judicial Branch Certification Commission (JBCC). Provides additional factors for the JBCC to consider when determining appropriate disciplinary sanctions for licensees who violate the laws and rules of the Commission. *See* GOV'T CODE §§ 152.203, 153.004. ***See also Commissions, Committees, Councils, and Task Forces.***

## Vetoed Legislation

**HB 279**: **Vetoed** by Governor

Allows prosecutors to try traffickers that have victimized disabled adults without requiring that they prove the elements of force, fraud, or coercion.

**HB 2879**: **Vetoed** by Governor on 6/15/2023.

Voids provisions in contracts for improvement to real property in this state which designate an out-of-state venue for an action involving a contractor, subcontractor, or materialman who is a resident of this state. In the event such a provision is void, specifies venue lies in the county in this state where the defendant resides, the cause of action accrued, or the property that is the subject of the litigation is located unless the parties stipulate to another venue.





**HB 4128: Vetoed** by Governor on 6/16/2023.

Allows associate judges to oversee and monitor guardianship and protective services proceedings which are referred to the associate judge. Allows the associate judge to address reporting deficiencies in guardianship cases, review annual accounts, and take other actions to ensure the well-being of the ward. Provides for the employment by the Office of Court Administration of court coordinators and court investigators for associate judges. Provides that associate judges and employees for associate judges are state employees. Requires the office to provide guardianship compliance specialists and other resources to associate judges, on request. Requires efforts by presiding judges of the administrative regions and the office to seek federal funding for associate judges and requires other methods of finance for associate judges and personnel for associate judges.

**HB 4759: Vetoed** by Governor on 6/16/2023.

Establishes a Class B misdemeanor penalty for certain unprovoked dog attacks that result in bodily injury. Increases the penalty relating to an attack by a dangerous dog from a Class C misdemeanor to a Class A misdemeanor if the defendant was previously convicted of such an offense.

**HB 4779: Vetoed** by Governor on 6/16/2023.

Modifies the criminal offense of organized retail theft and sets the minimum offense level for organized retail theft as a Class B misdemeanor.

**SB 1367: Vetoed** by Governor on 6/18/2023.

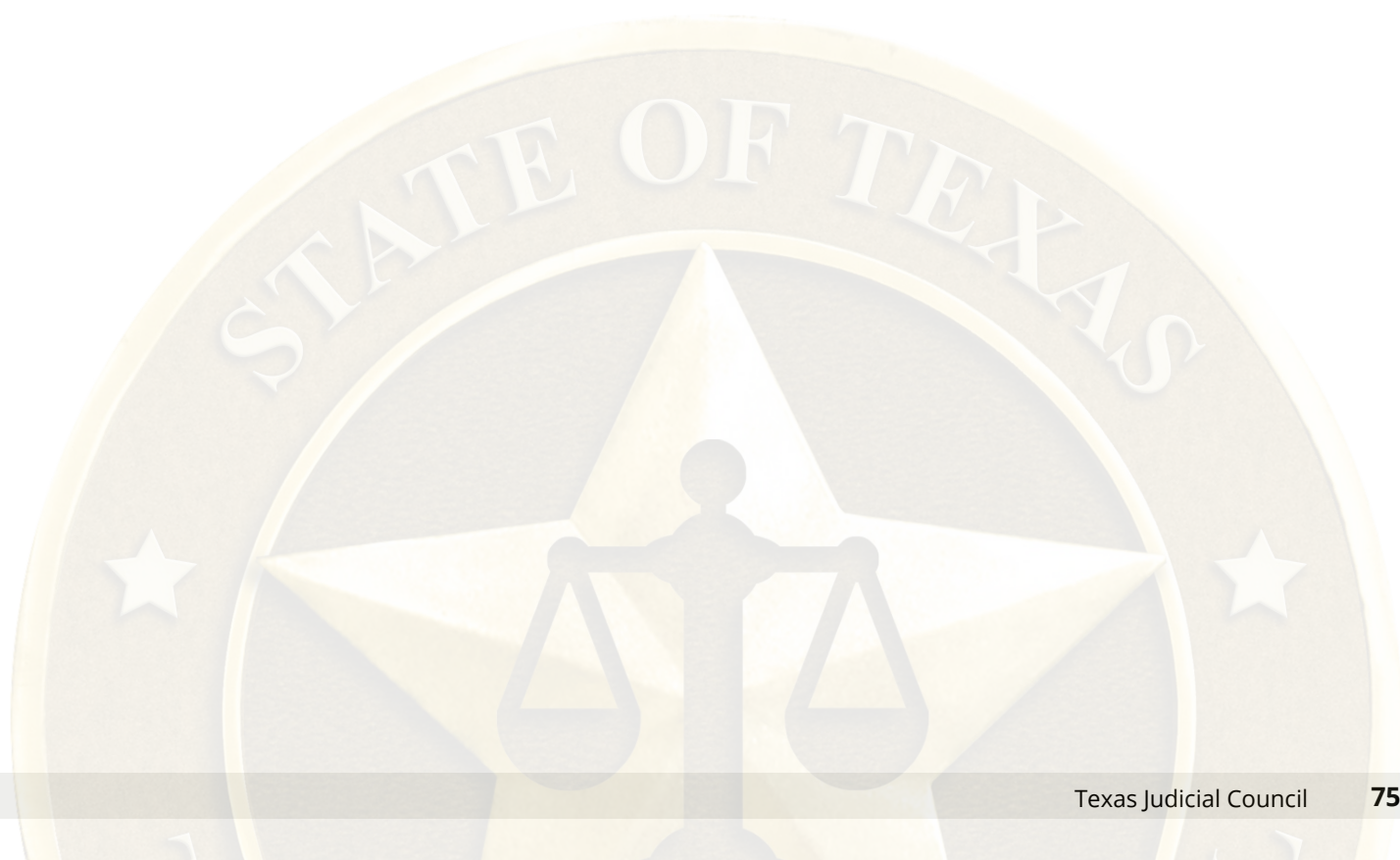
Amends various sections of statute to make confidential certain personally-identifying information of certain individuals who work for the Office of Court Administration (OCA) and entities administratively attached to OCA. Extends similar protections to certain persons whose duties are performed on behalf of the administration of a court.

**SB 2248: Vetoed** by Governor on 6/18/2023.

Amends various sections of the Estates Code relating to guardianships for persons who are incapacitated.

**SB 2275: Vetoed** by Governor on 6/16/2023.

Repeals the Supreme Court's authority to repeal a statute that conflicts with a rule adopted by the court. See Gov't Code § 22.004.





*Texas Judicial Council meeting, February 24, 2023*



# Index of Bills

## House Bills

HB 4 12	HB 611 32	HB 1432 69
HB 6 30	HB 616 22	HB 1442 33
HB 17 60	HB 660 69	HB 1506 33
HB 18 12	HB 730 45	HB 1547 46
HB 19 61, 62, 70	HB 767 11, 22, 32, 60	HB 1577 34
HB 28 30	HB 785 51	HB 1589 34
HB 55 31	HB 841 22, 25, 62	HB 1603 56
HB 63 65	HB 844 32	HB 1633 34
HB 103 28	HB 891 46	HB 1710 34
HB 139 62	HB 898 32	HB 1712 60
HB 165 31	HB 907 66	HB 1730 34
HB 242 12, 31	HB 914 32	HB 1745 13
HB 266 50	HB 915 66	HB 1760 34
HB 279 73	HB 968 46	HB 1769 34
HB 291 66	HB 969 46	HB 1772 35
HB 367 24, 28, 56	HB 1087 46	HB 1817 62
HB 393 31	HB 1088 49	HB 1819 49
HB 409 25, 52	HB 1163 32	HB 1833 35
HB 420 31	HB 1181 13	HB 1910 35
HB 422 59	HB 1182 25	HB 1989 22, 27
HB 446 12, 31, 45, 51, 59	HB 1195 22	HB 1998 35
HB 450 12	HB 1207 33	HB 2015 8, 22, 28, 55, 56
HB 461 45	HB 1221 33	HB 2019 35
HB 467 31	HB 1227 33	HB 2022 13
HB 474 45	HB 1243 33	HB 2024 13
HB 527 12, 60	HB 1255 13	HB 2059 13, 49
HB 541 31	HB 1285 28	HB 2063 14
HB 567 12	HB 1382 66	HB 2070 47
HB 598 32	HB 1423 69	HB 2127 14
HB 609 12	HB 1427 33	HB 2129 14



## House Bills

HB 2157 9, 62, 71	HB 2965 16	HB 4183 11, 47
HB 2187 35	HB 3009 51	HB 4218 18
HB 2190 66	HB 3025 37	HB 4250 23
HB 2195 36	HB 3058 16, 37	HB 4333 39
HB 2196 67	HB 3075 37	HB 4337 39
HB 2251 8, 22, 27, 28, 56	HB 3156 17	HB 4381 18
HB 2291 30, 66	HB 3161 57	HB 4417 39
HB 2306 36	HB 3162 17, 37	HB 4504 40
HB 2308 15	HB 3186 57, 59	HB 4510 64
HB 2371 15, 49	HB 3297 38	HB 4520 23
HB 2384 25, 44, 53, 62, 71	HB 3474 8, 10, 28, 53, 54, 55, 61, 63	HB 4553 9, 64, 72
HB 2459 15, 26	HB 3506 26	HB 4559 67
HB 2488 50	HB 3536 17	HB 4635 18, 40
HB 2545 15	HB 3553 38	HB 4714 58
HB 2559 56	HB 3554 38	HB 4759 74
HB 2616 56	HB 3603 23	HB 4765 67
HB 2626 45, 50	HB 3660 38	HB 4779 74
HB 2636 16	HB 3698 63, 69	HB 5010 60
HB 2658 47	HB 3730 64	HB 5195 59
HB 2671 47	HB 3917 29, 39, 57	HB 5232 19
HB 2700 36	HB 3929 17, 72	
HB 2715 36, 69	HB 3949 18	
HB 2741 70	HB 3956 39	
HB 2800 23	HB 4062 47	
HB 2837 16	HB 4085 27	
HB 2850 47, 71	HB 4123 23	
HB 2879 73	HB 4128 74	
HB 2897 37	HB 4142 18	
HB 2961 37	HB 4164 39	



## Senate Bills

➤ SB 14 19	➤ SB 929 50	➤ SB 1839 43
➤ SB 37 19, 40	➤ SB 943 20	➤ SB 2101 44
➤ SB 48 64, 69	➤ SB 944 51	➤ SB 2106 26, 73
➤ SB 58 19	➤ SB 1004 42	➤ SB 2120 11, 26, 48
➤ SB 129 40	➤ SB 1045 10	➤ SB 2171 21
➤ SB 182 40	➤ SB 1054 45	➤ SB 2248 74
➤ SB 188 41	➤ SB 1179 42	➤ SB 2275 74
➤ SB 224 41	➤ SB 1180 20, 72	➤ SB 2479 11, 26, 52, 58,
➤ SB 246 41	➤ SB 1245 53	61
➤ SB 271 30, 50, 64	➤ SB 1259 21, 58	
➤ SB 372 9, 29, 41, 58, 72	➤ SB 1300 66	
➤ SB 380 8, 23, 65	➤ SB 1346 43	
➤ SB 435 65	➤ SB 1361 43	
➤ SB 497 19, 41	➤ SB 1367 74	
➤ SB 510 60, 65	➤ SB 1373 67	
➤ SB 569 27	➤ SB 1401 66	
➤ SB 578 70	➤ SB 1457 51	
➤ SB 599 24, 30	➤ SB 1514 66	
➤ SB 614 47	➤ SB 1527 21, 43	
➤ SB 658 54, 72	➤ SB 1551 43	
➤ SB 691 20	➤ SB 1602 21, 55	
➤ SB 728 24	➤ SB 1603 10, 21, 73	
➤ SB 745 20	➤ SB 1612 9, 24, 27, 48, 68	
➤ SB 760 58	➤ SB 1639 21	
➤ SB 840 42	➤ SB 1650 52, 68	
➤ SB 855 54	➤ SB 1653 43	
➤ SB 869 48	➤ SB 1725 43	
➤ SB 870 48	➤ SB 1730 24	
➤ SB 888 50	➤ SB 1766 50	
➤ SB 895 42	➤ SB 1768 67	



# 88th Legislative Update

## **Office of Court Administration**

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### **Texas Judicial Council.**

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

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