



# The Supreme Court of Texas

CHIEF JUSTICE  
NATHAN L. HECHT

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June 3, 2023

Mr. Charles L. "Chip" Babcock  
Chair, Supreme Court Advisory Committee  
Jackson Walker L.L.P.  
cbabcock@jw.com

Re: Referral of Rules Issues

Dear Chip:

The Supreme Court requests the Advisory Committee to study and make recommendations on the following matters that arise from legislation passed by the 88th Legislature. Some require immediate attention, while others are longer-range initiatives.

The Committee should be prepared to discuss the following projects at its June 16-17, 2023 meeting and conclude its work on them by its August 18-19, 2023, meeting:

**Discovery in Family Law Cases.** HB 2850 adds Chapter 301 to the Family Code to move discovery procedures in family law cases from the Texas Rules of Civil Procedure to statute. The Committee should consider whether the discovery rules should be changed or a comment added to reference or restate the statute and draft any recommended amendments.

**Suspension of Money Judgment Pending Appeal.** Civil Practice and Remedies Code § 52.006 and Texas Rule of Appellate Procedure 24.2(a)(1) govern the amount of a supersedeas bond when the judgment is for money. HB 4381, by adding Civil Procedure and Remedy Code § 52.007, requires a court to allow a judgment debtor worth less than \$10 million to post "alternative security with value sufficient to secure the judgment" if the judgment debtor shows that the amount required by CPRC § 52.006 and TRAP 24.2(a)(1) would "require the judgment debtor to substantially liquidate the judgment debtor's interests in real or personal property necessary to normal course of the judgement debtor's business." The Committee should consider whether Texas Rule of Appellate Procedure 24.2 should be changed or a comment added to reference or restate the statute and draft any recommended amendments.

**Conduct of Judicial Candidates.** HB 367 adds Government Code § 33.02105 to authorize the State Commission on Judicial Conduct to accept complaints, conduct investigations, and take disciplinary action against judicial candidates. The Committee should consider whether the Code of Judicial Conduct and the Procedural Rules for the Removal or Retirement of Judges should be changed or a comment added to reference or restate the statute and draft any recommended amendments.

**Judicial Disclosures and Education.** HB 2384 imposes ballot application disclosure requirements on judicial candidates and education requirements on judges. Section 2 of the bill adds Government Code § 33.032 to make public any sanction the State Commission on Judicial Conduct issues against a judicial candidate for making false ballot application disclosures, along with related records. Section 3 adds Government Code §§ 39.003–.004 to provide for the suspension and removal of judges who do not comply with education requirements. The Committee should consider whether the Code of Judicial Conduct and the Procedural Rules for the Removal or Retirement of Judges should be changed or a comment added to reference or restate the statutes and draft any recommended amendments.

**Court Confidentiality.** Section 1 of SB 372 adds Government Code § 21.013 to make it a criminal offense for court staff to knowingly disclose judicial work product and to require court staff and judges to comply with Court rules governing judicial work product. Section 2 directs the Court to adopt any rules necessary to implement § 21.013. The Committee should draft any recommended rules.

**SVP Magistrate Referrals.** SB 1179 (Section 10) and SB 1180 (Section 1) add Civil Practice and Remedies Code Chapter 14A to govern actions brought by a sexually violent predator who has filed a Statement of Inability to Afford Payment of Court Costs. New § 14A.061 directs the Court to adopt rules that provides for referral of a Chapter 14A action to a magistrate for review and recommendation. The Committee should draft any recommended rules.

**Permissive Appeals.** On September 15, 2022, the Court asked the Committee to study permissive appeals, and the Committee discussed the issue at its February 17, 2023 meeting. The Court now asks that the Committee supplement its study and propose any recommended amendments in light of SB 1603. SB 1603 adds Civil Practice and Remedies Code § 51.014(g) and (h) to require a court of appeals that does not accept a permissive appeal to “state in its decision the specific reason for finding that the appeal is not warranted” and to expressly allow the Court to review de novo the decision not to accept a permissive appeal and direct the court of appeals to accept the appeal. The Committee should consider whether Texas Rule of Appellate Procedure 28.3 should be changed or a comment added to reference or restate the statute and draft any recommended amendments.

The Committee should conclude its work on the following projects by its October 13, 2023, meeting:

**Clerk’s Record.** Section 17.001 of HB 3474 adds Civil Practice and Remedies Code § 51.018 to permit appealing parties to file an appendix in lieu of the clerk’s record and to prohibit a clerk from charging a fee for the appendix. The Committee should consider whether the Texas Rules of Appellate Procedure governing the clerk’s record should be changed or a comment added to reference or restate the statute and draft any recommended amendments.

**Business Court.** HB 19, by adding Government Code Chapter 25A, creates a business court and gives it jurisdiction over certain business matters. HB 19 includes several rulemaking directives. First, new § 25A.016 directs the Court to adopt rules “for the issuance of written opinions by the business court.” Second, new § 25A.018 directs the Court to set fees for filings and actions in the business court. Finally, new § 25A.020 directs the Court to “adopt rules of civil procedure as the Court deems necessary,” including rules “for the timely and efficient removal and remand of cases to and from the business court” and “the assignment of cases to judges of the business court.” The Committee should draft recommended procedural and administrative rules.

**Fifteenth Court of Appeals.** SB 1045 creates a Fifteenth Court of Appeals. Section 1.05 adds Government Code § 22.220(d) to give the Fifteenth Court of Appeals exclusive intermediate appellate jurisdiction over certain civil matters, including certain matters brought by or against the State and matters involving the Office of Attorney General that challenge the constitutionality or validity of a state statute or rule. Section 1.08 directs the Court, by adding Government Code § 73.001(c), to adopt rules for (1) transferring an appeal incorrectly filed in the Fifteenth Court of Appeals to the appropriate court of appeals and (2) transferring appeals incorrectly filed in the other courts of appeals to Fifteenth Court of Appeals. The Committee should make recommendations and draft recommended procedural and administrative rules.

The Committee should conclude its work on the following project in fall 2024:

**Uniform Interstate Depositions and Discovery Act.** Section 1 of HB 3929 permits the Court to adopt by rule the Uniform Interstate Depositions and Discovery Act, which is a model statute adopted by 48 states to establish a uniform process for obtaining depositions and discovery in concert with other participating states. Section 2 repeals a conflicting statute—Civil Practice and Remedies Code § 20.002—upon the Court’s adoption of rules. The Committee should consider whether the discovery rules should be changed and draft any recommended amendments.

The Committee should conclude its work on the following project as it is able:

**Court Interpreter Cost.** Both HB 3474 (Section 10.07) and SB 380 (Section 1) amend Government Code § 57.002(g) to clarify that a person who has filed a Statement of Inability to Afford Payment of Court Costs need not pay interpreter costs unless the statement is successfully challenged. The Committee should consider whether Texas Rule of Civil Procedure 183 should be changed or a comment added to reference or restate the statute and draft any recommended amendments.

**SVP Statement of Inability to Afford Payment of Court Costs.** SB 1179 (Section 10) and SB 1180 (Section 1) add Civil Practice and Remedies Code Chapter 14A to govern actions brought by a sexually violent predator who has filed a Statement of Inability to Afford Payment of Court Costs. New § 14A.054 allows a court to order the sexually violent predator to pay court costs but allows payment by installment. The Committee should consider whether Texas Rule of Civil Procedure 145 should be changed or a comment added to reference or restate the statute and draft any recommended amendments.

**Notice by Qualified Delivery Methods.** HB 785, SB 1373, SB 1457, and SB 2248 amend multiple sections of the Estates Code to allow service in guardianship and probate proceedings by certain qualified delivery methods, including private delivery services like UPS and FedEx. The Committee should consider whether the Texas Rules of Civil Procedure governing citation and

service should be changed or a comment added to reference or restate the statutes and draft any recommended amendments.

**Waiver of Citation in Probate Proceedings.** Sections 14 and 18 of SB 1373 amend Estates Code §§ 202.056 and 258.002 to allow for waiver of citation on minors in heirship and probate proceedings. The Committee should consider whether the citation rules should be changed or a comment added to reference or restate the statutes and draft any recommended amendments.

As always, the Court is grateful for the Committee's counsel and your leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan L. Hecht", with a long horizontal flourish extending to the right.

Nathan L. Hecht  
Chief Justice

Attachments

1 AN ACT  
2 relating to the creation of a specialty trial court to hear certain  
3 cases; authorizing fees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle A, Title 2, Government Code, is amended  
6 by adding Chapter 25A to read as follows:

7 CHAPTER 25A. BUSINESS COURT

8 Sec. 25A.001. DEFINITIONS. In this chapter:

9 (1) "Controlling person" means a person who directly  
10 or indirectly controls a governing person, officer, or  
11 organization.

12 (2) "Derivative proceeding" means a civil action  
13 brought in the right of a domestic or foreign corporation, a  
14 domestic or foreign limited liability company, or a domestic or  
15 foreign limited partnership, to the extent provided by the Business  
16 Organizations Code.

17 (3) "Governing documents" means the instruments,  
18 documents, or agreements adopted under an organization's governing  
19 law to govern the organization's formation and internal affairs.  
20 The term includes:

21 (A) a certificate of formation, articles of  
22 incorporation, and articles of organization;

23 (B) bylaws;

24 (C) a partnership agreement;

1                   (D) a company agreement or operating agreement;  
2                   (E) a shareholder agreement;  
3                   (F) a voting agreement or voting trust agreement;  
4 and  
5                   (G) an agreement among owners restricting the  
6 transfer of ownership interests.  
7                   (4) "Governing law" means the law governing the  
8 formation and internal affairs of an organization.  
9                   (5) "Governing person" means a person who is entitled,  
10 alone or as part of a group, to manage and direct an organization's  
11 affairs under the organization's governing documents and governing  
12 law. The term includes:  
13                   (A) a member of the board of directors of a  
14 corporation or other organization;  
15                   (B) a general partner of a general or limited  
16 partnership;  
17                   (C) a manager of a limited liability company that  
18 is managed by its managers;  
19                   (D) a member of a limited liability company that  
20 is managed by its members;  
21                   (E) a trust manager of a real estate investment  
22 trust; and  
23                   (F) a trustee of a business trust.  
24                   (6) "Governmental entity" means:  
25                   (A) this state; or  
26                   (B) a political subdivision of this state,  
27 including a municipality, a county, or any kind of district.

- 1                   (7) "Internal affairs" means:  
2                   (A) the rights, powers, and duties of an  
3 organization's governing persons, officers, owners, and members;  
4 and  
5                   (B) matters relating to the organization's  
6 membership or ownership interests.  
7                   (8) "Managerial official" means a governing person or  
8 officer.  
9                   (9) "Officer" means a person elected, appointed, or  
10 designated as an officer of an organization by the organization's  
11 governing persons or governing documents.  
12                   (10) "Organization" means a foreign or domestic entity  
13 or association, regardless of whether the organization is for  
14 profit or nonprofit. The term includes:  
15                   (A) a corporation;  
16                   (B) a limited partnership;  
17                   (C) a general partnership;  
18                   (D) a limited liability partnership;  
19                   (E) a limited liability company;  
20                   (F) a business trust;  
21                   (G) a real estate investment trust;  
22                   (H) a joint venture;  
23                   (I) a joint stock company;  
24                   (J) a cooperative;  
25                   (K) a bank;  
26                   (L) a credit union;  
27                   (M) a savings and loan association;

1                   (N) an insurance company; and  
2                   (O) a series of a limited liability company or of  
3 another entity.

4                   (11) "Owner" means an owner of an organization. The  
5 term includes:

6                   (A) a shareholder or stockholder of a corporation  
7 or other organization;

8                   (B) a general or limited partner of a partnership  
9 or an assignee of a partnership interest in a partnership;

10                   (C) a member of, or an assignee of a membership  
11 interest in, a limited liability company; and

12                   (D) a member of a nonprofit organization.

13                   (12) "Ownership interest" means an owner's interest in  
14 an organization, including an owner's economic, voting, and  
15 management rights.

16                   (13) "Publicly traded company" means an entity whose  
17 voting equity securities are listed on a national securities  
18 exchange registered with the United States Securities and Exchange  
19 Commission under Section 6, Securities Exchange Act of 1934 (15  
20 U.S.C. Section 78f) and any entity that is majority owned or  
21 controlled by such an entity.

22                   (14) "Qualified transaction" means a transaction,  
23 other than a transaction involving a loan or an advance of money or  
24 credit by a bank, credit union, or savings and loan institution,  
25 under which a party:

26                   (A) pays or receives, or is obligated to pay or is  
27 entitled to receive, consideration with an aggregate value of at



1 least \$10 million; or

2 (B) lends, advances, borrows, receives, is  
3 obligated to lend or advance, or is entitled to borrow or receive  
4 money or credit with an aggregate value of at least \$10 million.

5 Sec. 25A.002. CREATION. The business court is a statutory  
6 court created under Section 1, Article V, Texas Constitution.

7 Sec. 25A.003. BUSINESS COURT JUDICIAL DISTRICT; DIVISIONS.

8 (a) The judicial district of the business court is composed of all  
9 counties in this state.

10 (b) The business court is composed of divisions as provided  
11 by this section.

12 (c) The First Business Court Division is composed of the  
13 counties composing the First Administrative Judicial Region under  
14 Section 74.042(b).

15 (d) The Second Business Court Division is composed of the  
16 counties composing the Second Administrative Judicial Region under  
17 Section 74.042(c), subject to funding through legislative  
18 appropriations. The division is abolished September 1, 2026, unless  
19 reauthorized by the legislature and funded through additional  
20 legislative appropriations.

21 (e) The Third Business Court Division is composed of the  
22 counties composing the Third Administrative Judicial Region under  
23 Section 74.042(d).

24 (f) The Fourth Business Court Division is composed of the  
25 counties composing the Fourth Administrative Judicial Region under  
26 Section 74.042(e).

27 (g) The Fifth Business Court Division is composed of the

1 counties composing the Fifth Administrative Judicial Region under  
2 Section 74.042(f), subject to funding through legislative  
3 appropriations. The division is abolished on September 1, 2026,  
4 unless reauthorized by the legislature and funded through  
5 additional legislative appropriations.

6 (h) The Sixth Business Court Division is composed of the  
7 counties composing the Sixth Administrative Judicial Region under  
8 Section 74.042(g), subject to funding through legislative  
9 appropriations. The division is abolished on September 1, 2026,  
10 unless reauthorized by the legislature and funded through  
11 additional legislative appropriations.

12 (i) The Seventh Business Court Division is composed of the  
13 counties composing the Seventh Administrative Judicial Region  
14 under Section 74.042(h), subject to funding through legislative  
15 appropriations. The division is abolished on September 1, 2026,  
16 unless reauthorized by the legislature and funded through  
17 additional legislative appropriations.

18 (j) The Eighth Business Court Division is composed of the  
19 counties composing the Eighth Administrative Judicial Region under  
20 Section 74.042(i).

21 (k) The Ninth Business Court Division is composed of the  
22 counties composing the Ninth Administrative Judicial Region under  
23 Section 74.042(j), subject to funding through legislative  
24 appropriations. The division is abolished on September 1, 2026,  
25 unless reauthorized by the legislature and funded through  
26 additional legislative appropriations.

27 (l) The Tenth Business Court Division is composed of the

1 counties composing the Tenth Administrative Judicial Region under  
2 Section 74.042(k), subject to funding through legislative  
3 appropriations. The division is abolished on September 1, 2026,  
4 unless reauthorized by the legislature and funded through  
5 additional legislative appropriations.

6 (m) The Eleventh Business Court Division is composed of the  
7 counties composing the Eleventh Administrative Judicial Region  
8 under Section 74.042(l).

9 (n) This subsection and Subsections (d), (g), (h), (i), (k),  
10 and (l) expire September 1, 2026.

11 Sec. 25A.004. JURISDICTION AND POWERS. (a) Subject to  
12 Subsections (b), (c), (d), (e), and (f), the business court has the  
13 powers provided to district courts by Chapter 24, including the  
14 power to:

15 (1) issue writs of injunction, mandamus,  
16 sequestration, attachment, garnishment, and supersedeas; and

17 (2) grant any relief that may be granted by a district  
18 court.

19 (b) Subject to Subsection (c), the business court has civil  
20 jurisdiction concurrent with district courts in the following  
21 actions in which the amount in controversy exceeds \$5 million,  
22 excluding interest, statutory damages, exemplary damages,  
23 penalties, attorney's fees, and court costs:

24 (1) a derivative proceeding;

25 (2) an action regarding the governance, governing  
26 documents, or internal affairs of an organization;

27 (3) an action in which a claim under a state or federal

- 1 securities or trade regulation law is asserted against:
- 2                   (A) an organization;
- 3                   (B) a controlling person or managerial official  
4 of an organization for an act or omission by the organization or by  
5 the person in the person's capacity as a controlling person or  
6 managerial official;
- 7                   (C) an underwriter of securities issued by the  
8 organization; or
- 9                   (D) the auditor of an organization;
- 10                  (4) an action by an organization, or an owner of an  
11 organization, if the action:
- 12                   (A) is brought against an owner, controlling  
13 person, or managerial official of the organization; and
- 14                   (B) alleges an act or omission by the person in  
15 the person's capacity as an owner, controlling person, or  
16 managerial official of the organization;
- 17                  (5) an action alleging that an owner, controlling  
18 person, or managerial official breached a duty owed to an  
19 organization or an owner of an organization by reason of the  
20 person's status as an owner, controlling person, or managerial  
21 official, including the breach of a duty of loyalty or good faith;
- 22                  (6) an action seeking to hold an owner or governing  
23 person of an organization liable for an obligation of the  
24 organization, other than on account of a written contract signed by  
25 the person to be held liable in a capacity other than as an owner or  
26 governing person; and
- 27                  (7) an action arising out of the Business

1 Organizations Code.

2 (c) The business court has civil jurisdiction concurrent  
3 with district courts in an action described by Subsection (b)  
4 regardless of the amount in controversy if a party to the action is  
5 a publicly traded company.

6 (d) The business court has civil jurisdiction concurrent  
7 with district courts in the following actions in which the amount in  
8 controversy exceeds \$10 million, excluding interest, statutory  
9 damages, exemplary damages, penalties, attorney's fees, and court  
10 costs:

11 (1) an action arising out of a qualified transaction;  
12 (2) an action that arises out of a contract or  
13 commercial transaction in which the parties to the contract or  
14 transaction agreed in the contract or a subsequent agreement that  
15 the business court has jurisdiction of the action, except an action  
16 that arises out of an insurance contract; and

17 (3) subject to Subsection (g), an action that arises  
18 out of a violation of the Finance Code or Business & Commerce Code  
19 by an organization or an officer or governing person acting on  
20 behalf of an organization other than a bank, credit union, or  
21 savings and loan association.

22 (e) The business court has civil jurisdiction concurrent  
23 with district courts in an action seeking injunctive relief or a  
24 declaratory judgment under Chapter 37, Civil Practice and Remedies  
25 Code, involving a dispute based on a claim within the court's  
26 jurisdiction under Subsection (b), (c), or (d).

27 (f) Except as provided by Subsection (h), the business court

1 has supplemental jurisdiction over any other claim related to a  
2 case or controversy within the court's jurisdiction that forms part  
3 of the same case or controversy. A claim within the business  
4 court's supplemental jurisdiction may proceed in the business court  
5 only on the agreement of all parties to the claim and a judge of the  
6 division of the court before which the action is pending. If the  
7 parties involved in a claim within the business court's  
8 supplemental jurisdiction do not agree on the claim proceeding in  
9 the business court, the claim may proceed in a court of original  
10 jurisdiction concurrently with any related claims proceeding in the  
11 business court.

12 (g) Unless the claim falls within the business court's  
13 supplemental jurisdiction, the business court does not have  
14 jurisdiction of:

15 (1) a civil action:

16 (A) brought by or against a governmental entity;

17 or

18 (B) to foreclose on a lien on real or personal  
19 property;

20 (2) a claim arising out of:

21 (A) Subchapter E, Chapter 15, and Chapter 17,  
22 Business & Commerce Code;

23 (B) the Estates Code;

24 (C) the Family Code;

25 (D) the Insurance Code; or

26 (E) Chapter 53 and Title 9, Property Code;

27 (3) a claim arising out of the production or sale of a

1 farm product, as that term is defined by Section 9.102, Business &  
2 Commerce Code;

3 (4) a claim related to a consumer transaction, as that  
4 term is defined by Section 601.001, Business & Commerce Code, to  
5 which a consumer in this state is a party, arising out of a  
6 violation of federal or state law; or

7 (5) a claim related to the duties and obligations  
8 under an insurance policy.

9 (h) The business court does not have jurisdiction of the  
10 following claims regardless of whether the claim is otherwise  
11 within the court's supplemental jurisdiction under Subsection (f):

12 (1) a claim arising under Chapter 74, Civil Practice  
13 and Remedies Code;

14 (2) a claim in which a party seeks recovery of monetary  
15 damages for bodily injury or death; or

16 (3) a claim of legal malpractice.

17 Sec. 25A.005. JUDICIAL AUTHORITY. A business court judge  
18 has all powers, duties, immunities, and privileges of a district  
19 judge.

20 Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND. (a) An  
21 action within the jurisdiction of the business court may be filed in  
22 the business court. The party filing the action must plead facts to  
23 establish venue in a county in a division of the business court, and  
24 the business court shall assign the action to that division. Venue  
25 may be established as provided by law or, if a written contract  
26 specifies a county as venue for the action, as provided by the  
27 contract.

1       (b) If the business court does not have jurisdiction of the  
2 action, the court shall, at the option of the party filing the  
3 action:

4               (1) transfer the action to a district court or county  
5 court at law in a county of proper venue; or

6               (2) dismiss the action without prejudice to the  
7 party's rights.

8       (c) If, after an action is assigned to a division of the  
9 business court, the court determines that the division's geographic  
10 territory does not include a county of proper venue for the action,  
11 the court shall:

12               (1) if an operating division of the court includes a  
13 county of proper venue, transfer the action to that division; or

14               (2) if there is not an operating division of the court  
15 that includes a county of proper venue, at the option of the party  
16 filing the action, transfer the action to a district court or county  
17 court at law in a county of proper venue.

18       (d) A party to an action filed in a district court or county  
19 court at law that is within the jurisdiction of the business court  
20 may remove the action to the business court. If the business court  
21 does not have jurisdiction of the action, the business court shall  
22 remand the action to the court in which the action was originally  
23 filed.

24       (e) A party to an action filed in a district court or county  
25 court at law in a county of proper venue that is not within an  
26 operating division of the business court or the judge of the court  
27 in which the action is filed may not remove or transfer the action



1 to the business court.

2 (f) A party may file an agreed notice of removal at any time  
3 during the pendency of the action. If all parties to the action  
4 have not agreed to remove the action, the notice of removal must be  
5 filed:

6 (1) not later than the 30th day after the date the  
7 party requesting removal of the action discovered, or reasonably  
8 should have discovered, facts establishing the business court's  
9 jurisdiction over the action; or

10 (2) if an application for temporary injunction is  
11 pending on the date the party requesting removal of the action  
12 discovered, or reasonably should have discovered, facts  
13 establishing the business court's jurisdiction over the action, not  
14 later than the 30th day after the date the application is granted,  
15 denied, or denied as a matter of law.

16 (g) The notice of removal must be filed with the business  
17 court and the court in which the action was originally filed. On  
18 receipt of the notice, the clerk of the court in which the action  
19 was originally filed shall immediately transfer the action to the  
20 business court in accordance with rules adopted by the supreme  
21 court, and the business court clerk shall assign the action to the  
22 appropriate division of the business court.

23 (h) The filing of an action or a notice of removal in the  
24 business court is subject to Section 10.001, Civil Practice and  
25 Remedies Code.

26 (i) Removal of a case to the business court is not subject to  
27 the statutes or rules governing the due order of pleading.

1       (j) Removal of a case does not waive a defect in venue or  
2 constitute an appearance to determine personal jurisdiction.

3       (k) The judge of a court in which an action is filed may  
4 request the presiding judge for the court's administrative region  
5 to transfer the action to the business court if the action is within  
6 the business court's jurisdiction. The judge shall notify all  
7 parties of the transfer request and request a hearing on the  
8 transfer request. After a hearing on the request, the presiding  
9 judge may transfer the action to the business court if the presiding  
10 judge finds the transfer will facilitate the fair and efficient  
11 administration of justice. The business court clerk shall assign  
12 an action transferred under this subsection to the appropriate  
13 division of the business court.

14       (l) The business court judge on establishment of  
15 jurisdiction and venue over an action shall by order declare the  
16 county in which any jury trial for the action will be held as  
17 determined under Section 25A.015.

18       Sec. 25A.007. APPEALS. (a) Notwithstanding any other law  
19 and except as provided by Subsection (b) and in instances when the  
20 supreme court has concurrent or exclusive jurisdiction, the  
21 Fifteenth Court of Appeals has exclusive jurisdiction over an  
22 appeal from an order or judgment of the business court or an  
23 original proceeding related to an action or order of the business  
24 court.

25       (b) If the Fifteenth Court of Appeals is not created, an  
26 appeal from an order or judgment of the business court or an  
27 original proceeding related to an action or order of the business

1 court shall be filed in the court of appeals with appellate  
2 jurisdiction of civil cases for the county declared in an order  
3 under Section 25A.006(1).

4 (c) The procedure governing an appeal or original  
5 proceeding from the business court is the same as the procedure for  
6 an appeal or original proceeding from a district court.

7 Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business  
8 court judge must:

9 (1) be at least 35 years of age;

10 (2) be a United States citizen;

11 (3) have been a resident of a county within the  
12 division of the business court to which the judge is appointed for  
13 at least five years before appointment; and

14 (4) be a licensed attorney in this state who has 10 or  
15 more years of experience in:

16 (A) practicing complex civil business  
17 litigation;

18 (B) practicing business transaction law;

19 (C) serving as a judge of a court in this state  
20 with civil jurisdiction; or

21 (D) any combination of experience described by  
22 Paragraphs (A)-(C).

23 (b) A business court judge may not have had the judge's  
24 license to practice law revoked, suspended, or subject to a  
25 probated suspension.

26 Sec. 25A.009. APPOINTMENT OF JUDGES; TERM; PRESIDING JUDGE;  
27 EXCHANGE OF BENCHES. (a) The governor, with the advice and consent

1 of the senate, shall appoint:

2 (1) two judges to each of the First, Third, Fourth,  
3 Eighth, and Eleventh Divisions of the business court; and

4 (2) one judge to each of the Second, Fifth, Sixth,  
5 Seventh, Ninth, and Tenth Divisions of the business court.

6 (b) A business court judge shall serve for a term of two  
7 years, beginning on September 1 of every even-numbered year.

8 (c) A business court judge may be reappointed.

9 (d) Not later than the seventh day after the first day of a  
10 term, the business court judges by majority vote shall select a  
11 judge of the court to serve as administrative presiding judge for  
12 the duration of the term. If a vacancy occurs in the position of  
13 administrative presiding judge, the remaining business court  
14 judges shall select a judge of the court to serve as administrative  
15 presiding judge for the remainder of the unexpired term as soon as  
16 practicable.

17 (e) A business court judge shall take the constitutional  
18 oath of office required of appointed officers of this state and file  
19 the oath with the secretary of state.

20 (f) To promote the orderly and efficient administration of  
21 justice, the business court judges may exchange benches and sit and  
22 act for each other in any matter pending before the court.

23 Sec. 25A.010. VACANCY. If a vacancy occurs in an office of  
24 a business court judge, the governor, with the advice and consent of  
25 the senate, shall appoint, in the same manner as the original  
26 appointment, another person to serve for the remainder of the  
27 unexpired term.

1       Sec. 25A.011. JUDGE'S SALARY. The salary of a business  
2 court judge is the amount provided by Section 659.012 and shall be  
3 paid in equal monthly installments.

4       Sec. 25A.012. REMOVAL; DISQUALIFICATION AND RECUSAL. (a)  
5 A business court judge may be removed from office in the same manner  
6 and for the same reasons as a district judge.

7       (b) A business court judge is disqualified and subject to  
8 mandatory recusal for the same reasons a district judge is subject  
9 to disqualification or recusal in a pending case. Disqualification  
10 or recusal of a business court judge shall be governed by the same  
11 procedure as disqualification or recusal of a district judge.

12       Sec. 25A.013. PRIVATE PRACTICE OF LAW. A business court  
13 judge shall diligently discharge the duties of the office on a  
14 full-time basis and may not engage in the private practice of law.

15       Sec. 25A.014. VISITING JUDGE. (a) A retired or former  
16 judge or justice who has the qualifications prescribed by Section  
17 25A.008 may be assigned as a visiting judge of a division of the  
18 business court by the chief justice of the supreme court. A  
19 visiting judge of a division of the business court is subject to  
20 objection, disqualification, or recusal in the same manner as a  
21 retired or former judge or justice is subject to objection,  
22 disqualification, or recusal if appointed as a visiting district  
23 judge.

24       (b) Before accepting an assignment as a visiting judge of a  
25 division of the business court, a retired or former judge or justice  
26 shall take the constitutional oath of office required of appointed  
27 officers of this state and file the oath with the secretary of

1 state.

2 Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY  
3 TRIAL. (a) A party in an action pending in the business court has  
4 the right to a trial by jury when required by the constitution.

5 (b) Subject to Subsection (d), a jury trial in a case filed  
6 initially in the business court shall be held in any county in which  
7 the case could have been filed under Section 15.002, Civil Practice  
8 and Remedies Code, as chosen by the plaintiff.

9 (c) Subject to Subsections (b) and (d), a jury trial in a  
10 case removed to the business court shall be held in the county in  
11 which the action was originally filed.

12 (d) A jury trial for a case in which a written contract  
13 specifies a county as venue for suits shall be held in that county.

14 (e) The parties and the business court judge may agree to  
15 hold the jury trial in any other county. A party may not be required  
16 to agree to hold the jury trial in a different county.

17 (f) The drawing of jury panels, selection of jurors, and  
18 other jury-related practice and procedure in the business court  
19 shall be the same as for the district court in the county in which  
20 the trial is held.

21 (g) Practice, procedure, rules of evidence, issuance of  
22 process and writs, and all other matters pertaining to the conduct  
23 of trials, hearings, and other business in the business court are  
24 governed by the laws and rules prescribed for district courts,  
25 unless otherwise provided by this chapter.

26 Sec. 25A.016. WRITTEN OPINIONS. The supreme court shall  
27 adopt rules for the issuance of written opinions by the business

1 court.

2 Sec. 25A.017. COURT LOCATION; STAFFING. (a) In this  
3 section, "remote proceeding" means a proceeding before the business  
4 court in which one or more of the participants, including a judge,  
5 party, attorney, witness, court reporter, or other individual  
6 attends the proceeding remotely through the use of technology.

7 (b) The administrative presiding judge of the business  
8 court shall manage administrative and personnel matters on behalf  
9 of the court. The administrative presiding judge of the business  
10 court shall appoint a clerk, whose office shall be located in Travis  
11 County in facilities provided by this state. The clerk shall:

12 (1) accept all filings in the business court; and

13 (2) fulfill the legal and administrative functions of  
14 a district clerk.

15 (c) Each business court judge shall maintain chambers in the  
16 county the judge selects within the geographic boundaries of the  
17 division to which the judge is appointed in facilities provided by  
18 this state. For purposes of this section, the Office of Court  
19 Administration of the Texas Judicial System may contract for the  
20 use of facilities with a county.

21 (d) Subject to Section 25A.015, a business court judge may  
22 hold court at any courtroom within the geographic boundaries of the  
23 division to which the judge is appointed as the court determines  
24 necessary or convenient for a particular civil action. To the  
25 extent practicable, a county using existing courtrooms and  
26 facilities shall accommodate the business court in the conduct of  
27 the court's hearings and other proceedings.

1           (e) The business court may conduct a proceeding other than a  
2 jury trial as a remote proceeding to facilitate the resolution of a  
3 matter before the court. The business court may not require a party  
4 or attorney to remotely attend a court proceeding in which oral  
5 testimony is heard, absent the agreement of the parties.

6           (f) The business court shall conduct a remote proceeding  
7 from a courtroom or the facilities provided to a business court  
8 judge by this state.

9           (g) The business court shall provide reasonable notice to  
10 the public that a proceeding will be conducted remotely and an  
11 opportunity for the public to observe the remote proceeding.

12           (h) In a county in which a division of the business court  
13 sits, the sheriff shall in person or by deputy attend the business  
14 court as required by the court. The sheriff or deputy is entitled  
15 to reimbursement from this state for the cost of attending the  
16 business court.

17           (i) The business court may appoint personnel necessary for  
18 the operation of the court, including:

19                   (1) personnel to assist the clerk of the court;

20                   (2) staff attorneys for the court;

21                   (3) staff attorneys for each judge of the business  
22 court;

23                   (4) court coordinators; and

24                   (5) administrative assistants.

25           (j) Subject to Subsection (k), the court officials shall  
26 perform the duties and responsibilities of their offices and are  
27 entitled to the compensation, fees, and allowances prescribed by



1 law for the offices.

2 (k) All personnel, including the business court clerk,  
3 appointed under this section are employees of the Office of Court  
4 Administration of the Texas Judicial System and are state employees  
5 for all purposes, including accrual of leave time, insurance  
6 benefits, retirement benefits, and travel regulations.

7 Sec. 25A.0171. ADMINISTRATIVE ATTACHMENT TO OFFICE OF COURT  
8 ADMINISTRATION; REPORT. (a) The business court is  
9 administratively attached to the Office of Court Administration of  
10 the Texas Judicial System.

11 (b) The Office of Court Administration of the Texas Judicial  
12 System shall provide administrative support to the business court  
13 as necessary to enable the business court to carry out its duties  
14 under this chapter.

15 (c) The Office of Court Administration of the Texas Judicial  
16 System may employ personnel necessary to provide administrative  
17 support to the business court under this chapter.

18 (d) Only the business court may exercise the duties of the  
19 business court under this chapter. Except as otherwise provided by  
20 this chapter, the Office of Court Administration of the Texas  
21 Judicial System does not have any authority or responsibility  
22 related to the duties of the business court under this chapter.

23 (e) Not later than December 1 of each year, the Office of  
24 Court Administration of the Texas Judicial System shall submit to  
25 the legislature a report on the number and types of cases heard by  
26 the business court in the preceding year.

27 Sec. 25A.018. FEES. The supreme court shall set fees for

1 filings and actions in the business court in amounts sufficient to  
2 cover the costs of administering this chapter, taking into account  
3 fee waivers necessary for the interest of justice.

4 Sec. 25A.019. SEAL. The seal of the business court is the  
5 same as that provided by law for a district court except that the  
6 seal must contain the name "The Business Court of Texas."

7 Sec. 25A.020. RULES. (a) The supreme court shall adopt  
8 rules of civil procedure as the court determines necessary,  
9 including rules providing for:

10 (1) the timely and efficient removal and remand of  
11 cases to and from the business court; and

12 (2) the assignment of cases to judges of the business  
13 court.

14 (b) The business court may adopt rules of practice and  
15 procedure consistent with the Texas Rules of Civil Procedure and  
16 the Texas Rules of Evidence.

17 SECTION 2. Sections 659.012(a) and (e), Government Code,  
18 are amended to read as follows:

19 (a) Notwithstanding Section 659.011 and subject to  
20 Subsections (b) and (b-1):

21 (1) a judge of a district court or a division of the  
22 business court is entitled to an annual base salary from the state  
23 as set by the General Appropriations Act in an amount equal to at  
24 least \$140,000, except that the combined base salary of a district  
25 judge or judge of a division of the business court from all state  
26 and county sources, including compensation for any extrajudicial  
27 services performed on behalf of the county, may not exceed the

1 amount that is \$5,000 less than the maximum combined base salary  
2 from all state and county sources for a justice of a court of  
3 appeals other than a chief justice as determined under this  
4 subsection;

5           (2) a justice of a court of appeals other than the  
6 chief justice is entitled to an annual base salary from the state in  
7 the amount equal to 110 percent of the state base salary of a  
8 district judge as set by the General Appropriations Act, except  
9 that the combined base salary of a justice of the court of appeals  
10 other than the chief justice from all state and county sources,  
11 including compensation for any extrajudicial services performed on  
12 behalf of the county, may not exceed the amount that is \$5,000 less  
13 than the base salary for a justice of the supreme court as  
14 determined under this subsection;

15           (3) a justice of the supreme court other than the chief  
16 justice or a judge of the court of criminal appeals other than the  
17 presiding judge is entitled to an annual base salary from the state  
18 in the amount equal to 120 percent of the state base salary of a  
19 district judge as set by the General Appropriations Act; and

20           (4) the chief justice or presiding judge of an  
21 appellate court is entitled to an annual base salary from the state  
22 in the amount equal to \$2,500 more than the state base salary  
23 provided for the other justices or judges of the court, except that  
24 the combined base salary of the chief justice of a court of appeals  
25 from all state and county sources may not exceed the amount equal to  
26 \$2,500 less than the base salary for a justice of the supreme court  
27 as determined under this subsection.

1           (e) For the purpose of salary payments by the state, the  
2 comptroller shall determine from sworn statements filed by the  
3 justices of the courts of appeals, ~~and~~ district judges, and  
4 business court judges that the required salary limitations provided  
5 by Subsection (a) are maintained. If the state base salary for a  
6 judge or justice prescribed by Subsection (a) combined with  
7 additional compensation from a county would exceed the limitations  
8 provided by Subsection (a), the comptroller shall reduce the salary  
9 payment made by the state by the amount of the excess.

10           SECTION 3. Section 837.001(a), Government Code, is amended  
11 to read as follows:

12           (a) Membership [~~Except as provided by Subsection (b),~~  
13 ~~membership~~] in the retirement system is limited to persons who have  
14 never been eligible for membership in the Judicial Retirement  
15 System of Texas or the Judicial Retirement System of Texas Plan One  
16 and who at any time on or after the effective date of this Act are  
17 judges, justices, or commissioners of:

- 18           (1) the supreme court;
- 19           (2) the court of criminal appeals;
- 20           (3) a court of appeals;
- 21           (4) the business court;
- 22           (5) a district court; or
- 23           (6) [~~45~~] a commission to a court specified in this  
24 subsection.

25           SECTION 4. (a) The Texas Supreme Court has exclusive and  
26 original jurisdiction over a challenge to the constitutionality of  
27 this Act or any part of this Act and may issue injunctive or

1 declaratory relief in connection with the challenge.

2 (b) If the appointment of judges by the governor to the  
3 divisions of the business court under Section 25A.009, Government  
4 Code, as added by this Act, is held by the Texas Supreme Court as  
5 unconstitutional, the business court shall be staffed by retired or  
6 former judges or justices who are appointed to the court as provided  
7 by Section 25A.014, Government Code, as added by this Act.

8 SECTION 5. Except as otherwise provided by this Act, the  
9 business court is created September 1, 2024.

10 SECTION 6. (a) As soon as practicable after the effective  
11 date of this Act, the governor shall appoint judges to the First,  
12 Third, Fourth, Eighth, and Eleventh Business Court Divisions as  
13 required by Section 25A.009, Government Code, as added by this Act.

14 (b) On or before September 1, 2026, but not before July 1,  
15 2026, the governor shall appoint judges to the Second, Fifth,  
16 Sixth, Seventh, Ninth, and Tenth Business Court Divisions as  
17 required by Section 25A.009, Government Code, as added by this Act.

18 SECTION 7. (a) Notwithstanding Chapter 25A, Government  
19 Code, as added by this Act, the business court is not created unless  
20 the legislature makes a specific appropriation of money for that  
21 purpose. For purposes of this subsection, a specific appropriation  
22 is an appropriation identifying the business court or an Act of the  
23 88th Legislature, Regular Session, 2023, relating to the creation  
24 of a specialty trial court to hear certain cases or of the business  
25 court.

26 (b) Notwithstanding Section 25A.007(a), Government Code, as  
27 added by this Act, a court of appeals retains the jurisdiction the

1 court had on August 31, 2024, if the business court is not created  
2 as a result of Subsection (a) of this section.

3 SECTION 8. The changes in law made by this Act apply to  
4 civil actions commenced on or after September 1, 2024.

5 SECTION 9. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 19 was passed by the House on May 2, 2023, by the following vote: Yeas 90, Nays 51, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 19 on May 25, 2023, by the following vote: Yeas 86, Nays 53, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 19 was passed by the Senate, with amendments, on May 12, 2023, by the following vote: Yeas 24, Nays 6.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor

1 AN ACT  
2 relating to the powers and duties of the State Commission on  
3 Judicial Conduct.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 33, Government Code, is  
6 amended by adding Section 33.02105 to read as follows:

7 Sec. 33.02105. CANDIDATE FOR JUDICIAL OFFICE. The  
8 commission may accept complaints, conduct investigations, and take  
9 any other action authorized by this chapter or Section 1-a, Article  
10 V, Texas Constitution, with respect to a candidate for judicial  
11 office who is subject to Subchapter F, Chapter 253, Election Code,  
12 in the same manner the commission is authorized to take those  
13 actions with respect to a judge.

14 SECTION 2. This Act takes effect September 1, 2023.



H.B. No. 367

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President of the Senate

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Speaker of the House

I certify that H.B. No. 367 was passed by the House on April 12, 2023, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 367 was passed by the Senate on May 15, 2023, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor

1 AN ACT  
2 relating to the delivery of certain notices or other communications  
3 in connection with guardianship proceedings.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 1002, Estates Code, is amended by adding  
6 Section 1002.0265 to read as follows:

7 Sec. 1002.0265. QUALIFIED DELIVERY METHOD. "Qualified  
8 delivery method" means delivery by:

9 (1) hand delivery by courier, with courier's proof of  
10 delivery receipt;

11 (2) certified or registered mail, return receipt  
12 requested, with return receipt; or

13 (3) a private delivery service designated as a  
14 designated delivery service by the United States Secretary of the  
15 Treasury under Section 7502(f)(2), Internal Revenue Code of 1986,  
16 with proof of delivery receipt.

17 SECTION 2. Section 1023.004(c), Estates Code, is amended to  
18 read as follows:

19 (c) If a court made a motion to transfer a guardianship, the  
20 guardian shall be given notice by a qualified delivery method  
21 [~~certified mail~~] to appear and show cause why the guardianship  
22 should not be transferred.

23 SECTION 3. The heading to Section 1051.052, Estates Code,  
24 is amended to read as follows:

1           Sec. 1051.052. SERVICE BY MAIL OR QUALIFIED DELIVERY  
2 METHOD.

3           SECTION 4. Section 1051.052, Estates Code, is amended by  
4 amending Subsections (b), (c), (d), (e), and (f) and adding  
5 Subsection (h) to read as follows:

6           (b) Except as provided by Subsection (c), the county clerk  
7 shall issue a citation or notice required or permitted to be served  
8 by a qualified delivery method [~~registered or certified mail~~] and  
9 shall serve the citation or notice by sending [~~mailing~~] the  
10 original citation or notice by a qualified delivery method  
11 [~~registered or certified mail~~].

12           (c) A guardian shall issue a notice required to be given by  
13 the guardian by a qualified delivery method [~~registered or~~  
14 ~~certified mail~~] and shall serve the notice by sending [~~mailing~~] the  
15 original notice by a qualified delivery method [~~registered or~~  
16 ~~certified mail~~].

17           (d) The county clerk or guardian, as applicable, shall send  
18 [~~mail~~] a citation or notice under Subsection (b) or (c) with an  
19 instruction to deliver the citation or notice to the addressee only  
20 and with return receipt or other proof of delivery requiring  
21 recipient signature requested. The clerk or guardian, as  
22 applicable, shall address the envelope containing the citation or  
23 notice to:

24                   (1) the attorney of record in the proceeding for the  
25 person to be cited or notified; or

26                   (2) the person to be cited or notified, if the citation  
27 or notice to the attorney is returned undelivered or the person to

1 be cited or notified has no attorney of record in the proceeding.

2 (e) Service by a qualified delivery method ~~[mail]~~ must be  
3 made at least 20 days before the return day of the citation or  
4 notice, excluding the date of service. The date of service ~~[by~~  
5 ~~mail]~~ is the date of mailing, the date of deposit with the private  
6 delivery service, or the date of delivery by courier, as  
7 applicable.

8 (f) A copy of a citation or notice served under Subsection  
9 (a), (b), or (c) and a certificate of the person serving the  
10 citation or notice showing that the citation or notice was sent  
11 ~~[mailed]~~ and the date of the mailing, the date of deposit with a  
12 private delivery service, or the date of delivery by courier, as  
13 applicable, shall be filed and recorded. A returned receipt or  
14 other proof of delivery receipt for a citation or notice served  
15 under Subsection (b) or (c) shall be attached to the certificate.

16 (h) The applicant or movant in a guardianship proceeding  
17 shall pay the cost of delivery of a citation or notice under this  
18 section, to be taxed as costs in the proceeding.

19 SECTION 5. Sections 1051.055(a) and (b), Estates Code, are  
20 amended to read as follows:

21 (a) If a party is represented by an attorney of record in a  
22 guardianship proceeding, including a proposed ward who has been  
23 personally served with notice of the proceeding and is represented  
24 by an attorney ad litem, a citation or notice required to be served  
25 on the party shall be served instead on that attorney.

26 (b) A notice served on an attorney under this section may be  
27 served by[+]

1            [~~(1)~~] delivery to the attorney in person or by a  
2 qualified delivery method [~~+~~  
3            [~~(2)~~ ~~registered or certified mail, return receipt~~  
4 ~~requested, or~~  
5            [~~(3)~~ ~~any other form of mail that requires proof of~~  
6 ~~delivery~~].

7            SECTION 6. Section 1051.056, Estates Code, is amended to  
8 read as follows:

9            Sec. 1051.056. SERVICE ON GUARDIAN OR RECEIVER. Unless  
10 this title expressly provides for another method of service, the  
11 county clerk who issues a citation or notice required to be served  
12 on a guardian or receiver shall serve the citation or notice by  
13 sending [~~mailing~~] the original citation or notice by a qualified  
14 delivery method [~~registered or certified mail~~] to:

15            (1) the guardian's or receiver's attorney of record;  
16 or

17            (2) the guardian or receiver, if the guardian or  
18 receiver does not have an attorney of record.

19            SECTION 7. Sections 1051.104(a) and (b), Estates Code, are  
20 amended to read as follows:

21            (a) The person filing an application for guardianship shall  
22 send [~~mail~~] a copy of the application and a notice containing the  
23 information required in the citation issued under Section 1051.102  
24 by a qualified delivery method [~~registered or certified mail,~~  
25 ~~return receipt requested, or by any other form of mail that provides~~  
26 ~~proof of delivery,~~] to the following persons, if their whereabouts  
27 are known or can be reasonably ascertained:

- 1 (1) each adult child of the proposed ward;
- 2 (2) each adult sibling of the proposed ward;
- 3 (3) the administrator of a nursing home facility or  
4 similar facility in which the proposed ward resides;
- 5 (4) the operator of a residential facility in which  
6 the proposed ward resides;
- 7 (5) a person whom the applicant knows to hold a power  
8 of attorney signed by the proposed ward;
- 9 (6) a person designated to serve as guardian of the  
10 proposed ward by a written declaration under Subchapter E, Chapter  
11 1104, if the applicant knows of the existence of the declaration;
- 12 (7) a person designated to serve as guardian of the  
13 proposed ward in the probated will of the last surviving parent of  
14 the proposed ward;
- 15 (8) a person designated to serve as guardian of the  
16 proposed ward by a written declaration of the proposed ward's last  
17 surviving parent, if the declarant is deceased and the applicant  
18 knows of the existence of the declaration; and
- 19 (9) each adult named in the application as an "other  
20 living relative" of the proposed ward within the third degree by  
21 consanguinity, as required by Section 1101.001(b)(11) or (13), if  
22 the proposed ward's spouse and each of the proposed ward's parents,  
23 adult siblings, and adult children are deceased or there is no  
24 spouse, parent, adult sibling, or adult child.

25 (b) The applicant shall file with the court:

- 26 (1) a copy of any notice required by Subsection (a) and  
27 the return receipts or other proofs of delivery of the notice; and

1                   (2) an affidavit sworn to by the applicant or the  
2 applicant's attorney stating:

3                   (A) that the notice was sent [~~mailed~~] as required  
4 by Subsection (a); and

5                   (B) the name of each person to whom the notice was  
6 sent [~~mailed~~], if the person's name is not shown on the return  
7 receipt or other proof of delivery.

8           SECTION 8. Section 1051.153(b), Estates Code, is amended to  
9 read as follows:

10           (b) Proof of service consists of:

11                   (1) if the service is made by a sheriff or constable,  
12 the return of service;

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

15                   (3) if the service is made by mail or by a qualified  
16 delivery method:

17                   (A) the certificate of the county clerk making  
18 the service, or the affidavit of the guardian or other person making  
19 the service that states that the citation or notice was mailed or  
20 sent by a qualified delivery method and the date of the mailing, the  
21 date of deposit with the private delivery service, or the date of  
22 delivery by courier, as applicable; and

23                   (B) the return receipt or other proof of delivery  
24 receipt attached to the certificate or affidavit, as applicable, if  
25 the service [~~mailing~~] was made by a qualified delivery method  
26 [~~registered or certified mail and a receipt has been returned~~]; and

27                   (4) if the service is made by publication:

1 (A) a statement that:

2 (i) is made by the Office of Court  
3 Administration of the Texas Judicial System or an employee of the  
4 office;

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

7 (iii) states the date of publication on the  
8 public information Internet website maintained as required by  
9 Section 72.034, Government Code [~~as added by Chapter 606 (S.B.~~  
10 ~~891), Acts of the 86th Legislature, Regular Session, 2019~~]; and

11 (B) an affidavit that:

12 (i) is made by the publisher of the  
13 newspaper in which the citation or notice was published or an  
14 employee of the publisher;

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

17 (iii) states the date of publication  
18 printed on the newspaper in which the citation or notice was  
19 published.

20 SECTION 9. Section 1057.002(b), Estates Code, is amended to  
21 read as follows:

22 (b) The resident agent shall send, by a qualified delivery  
23 method [~~certified mail, return receipt requested~~], a copy of a  
24 resignation statement filed under Subsection (a) to:

25 (1) the guardian at the address most recently known by  
26 the resident agent; and

27 (2) each party in the case or the party's attorney or



1 other designated representative of record.

2 SECTION 10. Section 1153.001(a), Estates Code, is amended  
3 to read as follows:

4 (a) Within one month after receiving letters of  
5 guardianship, a guardian of an estate shall provide notice  
6 requiring each person who has a claim against the estate to present  
7 the claim within the period prescribed by law. The notice must be:

8 (1) published in a newspaper of general circulation in  
9 the county in which the letters were issued; and

10 (2) sent to the comptroller by a qualified delivery  
11 method [~~certified or registered mail~~], if the ward remitted or  
12 should have remitted taxes administered by the comptroller.

13 SECTION 11. Sections 1153.003(b) and (c), Estates Code, are  
14 amended to read as follows:

15 (b) Notice provided under this section must be:

16 (1) sent by a qualified delivery method [~~certified or~~  
17 ~~registered mail, return receipt requested~~]; and

18 (2) addressed to the record holder of the claim at the  
19 record holder's last known post office address.

20 (c) The following shall be filed in the court from which the  
21 letters of guardianship were issued:

22 (1) a copy of each notice required by Subsection  
23 (a)(1) with the return receipt or other proof of delivery, if  
24 available; and

25 (2) the guardian's affidavit stating:

26 (A) that the notice was sent [~~mailed~~] as required  
27 by law; and

1 (B) the name of the person to whom the notice was  
2 sent [~~mailed~~], if that name is not shown on the notice or receipt.

3 SECTION 12. Section 1156.052(c), Estates Code, is amended  
4 to read as follows:

5 (c) A person who makes an application to the court under  
6 this section shall send [~~mail~~] notice of the application by a  
7 qualified delivery method [~~certified mail~~] to all interested  
8 persons.

9 SECTION 13. Section 1162.003, Estates Code, is amended to  
10 read as follows:

11 Sec. 1162.003. NOTICE OF APPLICATION FOR ESTABLISHMENT OF  
12 ESTATE OR OTHER TRANSFER PLAN. A person who makes an application  
13 to the court under Section 1162.001 shall send [~~mail~~] notice of the  
14 application by a qualified delivery method [~~certified mail~~] to:

- 15 (1) all devisees under a will, trust, or other  
16 beneficial instrument relating to the ward's estate;  
17 (2) the ward's spouse;  
18 (3) the ward's dependents; and  
19 (4) any other person as directed by the court.

20 SECTION 14. Section 1162.006(b), Estates Code, is amended  
21 to read as follows:

22 (b) Notice required by Subsection (a) must be sent  
23 [~~delivered~~] by a qualified delivery method [+

24 [~~(1) registered or certified mail to a person~~  
25 ~~described by Subsection (a)(1); and~~

26 [~~(2) certified mail to a person described by~~  
27 ~~Subsection (a)(2), (3), (4), or (5)].~~

1           SECTION 15. Section 1202.054(b-2), Estates Code, is amended  
2 to read as follows:

3           (b-2) Not later than the 30th day after the date the court  
4 receives an informal letter from a ward under Subsection (a), the  
5 court shall send the ward a letter by a qualified delivery method  
6 [~~certified mail~~]:

- 7                   (1) acknowledging receipt of the informal letter; and  
8                   (2) advising the ward of the date on which the court  
9 appointed the court investigator or guardian ad litem as required  
10 under Subsection (b) and the contact information for the court  
11 investigator or guardian ad litem.

12           SECTION 16. Sections 1203.052(a-1) and (b), Estates Code,  
13 are amended to read as follows:

14           (a-1) The court may remove a guardian for a reason listed in  
15 Subsection (a) on the:

16                   (1) court's own motion, after the guardian has been  
17 notified[~~7~~] by a qualified delivery method [~~certified mail, return~~  
18 ~~receipt requested,~~] to answer at a time and place set in the notice;  
19 or

20                   (2) complaint of an interested person, after the  
21 guardian has been cited by personal service to answer at a time and  
22 place set in the notice.

23           (b) In addition to the authority granted to the court under  
24 Subsection (a), the court may, on the complaint of the guardianship  
25 certification program of the Judicial Branch Certification  
26 Commission, remove a guardian who would be ineligible for  
27 appointment under Subchapter H, Chapter 1104, because of the

1 guardian's failure to maintain the certification required under  
2 Subchapter F, Chapter 1104. The guardian shall be given notice[7]  
3 by a qualified delivery method [~~certified mail, return receipt~~  
4 ~~requested,~~] to appear and contest the request for removal under  
5 this subsection at a time and place set in the notice.

6 SECTION 17. The changes in law made by this Act apply only  
7 to an action filed or a guardianship proceeding commenced on or  
8 after the effective date of this Act.

9 SECTION 18. This Act takes effect September 1, 2023.

H.B. No. 785

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President of the Senate

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Speaker of the House

I certify that H.B. No. 785 was passed by the House on April 14, 2023, by the following vote: Yeas 141, Nays 2, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 785 was passed by the Senate on May 9, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor

1 AN ACT  
2 relating to court administration, including the knowledge,  
3 efficiency, training, and transparency requirements for candidates  
4 for or holders of judicial offices.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 141, Election Code, is  
7 amended by adding Section 141.0311 to read as follows:

8 Sec. 141.0311. ADDITIONAL REQUIREMENTS FOR APPLICATION FOR  
9 JUDICIAL OFFICE. (a) This section applies to candidates for the  
10 following judicial offices:

- 11 (1) chief justice or justice of the supreme court;
- 12 (2) presiding judge or judge of the court of criminal  
13 appeals;
- 14 (3) chief justice or justice of a court of appeals;
- 15 (4) district judge, including a criminal district  
16 judge; and
- 17 (5) judge of a statutory county court.

18 (b) In addition to other requirements under this code, a  
19 candidate's application for a place on the ballot must:

- 20 (1) include the candidate's state bar number for:
  - 21 (A) this state; and
  - 22 (B) any other state in which the candidate has  
23 been licensed to practice law;
- 24 (2) disclose any public:

1                   (A) sanction or censure, as those terms are  
2 defined by Section 33.001, Government Code, the State Commission on  
3 Judicial Conduct or a review tribunal has issued against the  
4 candidate;

5                   (B) disciplinary sanction imposed on the  
6 candidate by the state bar; and

7                   (C) disciplinary sanction imposed on the  
8 candidate by an entity in another state responsible for attorney  
9 discipline in that state;

10                  (3) include statements describing for the preceding  
11 five years:

12                   (A) the nature of the candidate's legal practice,  
13 including any area of legal specialization; and

14                   (B) the candidate's professional courtroom  
15 experience; and

16                  (4) disclose any final conviction of a Class A or Class  
17 B misdemeanor in the 10 years preceding the date the person would  
18 assume the judicial office for which the person is filing the  
19 application.

20                  (c) A candidate for a judicial office described by  
21 Subdivision (a)(1), (2), or (3) who does not hold or has not  
22 previously held a judicial office described by those subdivisions  
23 must, in addition to the other requirements of this section and this  
24 code, include in the application a description of:

25                   (1) appellate court briefs the candidate has prepared  
26 and filed in the preceding five years; and

27                   (2) oral arguments the candidate has presented before

1 any appellate court in the preceding five years.

2 (d) Each officially prescribed form for an application  
3 under this section must include a statement informing candidates  
4 that knowingly providing false information on the application, in  
5 addition to other penalties prescribed by law, constitutes  
6 professional misconduct subject to public sanctions or censure by  
7 the State Commission on Judicial Conduct or the state bar, as  
8 applicable.

9 (e) The secretary of state shall prescribe the form and  
10 content of the application materials under this section. The  
11 secretary of state may consult with the Office of Court  
12 Administration of the Texas Judicial System, the supreme court, and  
13 the court of criminal appeals when prescribing the form and content  
14 of application materials under this section.

15 SECTION 2. Section 33.032, Government Code, is amended by  
16 adding Subsection (i) to read as follows:

17 (i) Any sanction the commission issues against a judge for  
18 knowingly making a false declaration on an application for a place  
19 on the ballot as a candidate for a judicial office described by  
20 Section 141.0311, Election Code, any withdrawal of such sanction,  
21 and all records and proceedings related to the sanction are a matter  
22 of public record.

23 SECTION 3. Subtitle B, Title 2, Government Code, is amended  
24 by adding Chapter 39 to read as follows:

25 CHAPTER 39. JUDICIAL EDUCATION REQUIREMENTS

26 Sec. 39.001. APPLICABILITY. This chapter applies to a  
27 person elected to or holding any of the following judicial offices:



- 1           (1) chief justice or justice of the supreme court;
- 2           (2) presiding judge or judge of the court of criminal
- 3 appeals;
- 4           (3) chief justice or justice of a court of appeals;
- 5           (4) district judge, including a criminal district
- 6 judge; and
- 7           (5) judge of a statutory county court.

8           Sec. 39.002. JUDICIAL INSTRUCTION REQUIREMENTS. (a) The

9 supreme court, in consultation with the court of criminal appeals,

10 shall adopt rules on the judicial training a person must complete

11 not later than the first anniversary of the date the person assumes

12 a judicial office, subject to Subsection (b). The rules must

13 require the person to complete at least 30 hours of instruction.

14           (b) Subsection (a) does not apply to a person who has been

15 absent from judicial office for less than one year before assuming a

16 judicial office and who has previously completed the requirements

17 of Subsection (a).

18           (c) A judge must annually complete at least 16 hours of

19 instruction described by Subsection (a) after the first year of the

20 judge's term.

21           (d) The rules adopted under this section may provide for a

22 deferral or exemption for a person who is unable to timely complete

23 the training or instruction due to a medical or physical

24 disability.

25           (e) This section does not affect any funds appropriated to

26 or grants administered by the court of criminal appeals under

27 Chapter 56.

1       Sec. 39.003. SUSPENSION. The State Commission on Judicial  
2 Conduct shall issue an order suspending any judge who fails to meet  
3 the education requirements under Section 39.002 until the judge  
4 demonstrates compliance with the requirements.

5       Sec. 39.004. REMOVAL FROM OFFICE. (a) For purposes of  
6 Section 1-a, Article V, Texas Constitution, a judge who is  
7 noncompliant with the education requirements under Section 39.002  
8 for more than one year has engaged in wilful or persistent conduct  
9 that is clearly inconsistent with the proper performance of a  
10 judge's duties sufficient to subject the judge to removal from  
11 office.

12       (b) The attorney general shall file a petition under Section  
13 66.002, Civil Practice and Remedies Code, against a judge who is  
14 subject to removal as provided by Subsection (a) if presented with  
15 evidence by the State Commission on Judicial Conduct establishing  
16 probable grounds that the judge engaged in conduct described by  
17 Subsection (a).

18       SECTION 4. Section 72.024, Government Code, is amended by  
19 adding Subsection (b-1) to read as follows:

20       (b-1) The director shall develop standards for identifying  
21 courts that need additional assistance to promote the efficient  
22 administration of justice.

23       SECTION 5. Section 72.082, Government Code, is amended to  
24 read as follows:

25       Sec. 72.082. PERFORMANCE REPORT. The office shall annually  
26 collect and publish a performance report of information regarding  
27 the efficiency of the courts of this state. The report must include

1 disaggregated performance measures for each appellate court,  
2 district court, statutory county court, statutory probate court,  
3 and county court.

4 SECTION 6. Section 72.083, Government Code, is amended to  
5 read as follows:

6 Sec. 72.083. TRIAL COURTS. (a) ~~[The office shall report~~  
7 ~~the aggregate clearance rate of cases for the district courts.]~~ In  
8 this section, "clearance rate" means the number of cases disposed  
9 of by a court ~~[the district courts]~~ divided by the number of cases  
10 added to the docket ~~[dockets]~~ of the court ~~[district courts]~~.

11 (b) The office shall annually report the following  
12 performance measures for each district court, statutory county  
13 court, statutory probate court, and county court:

- 14 (1) the court's clearance rate;  
15 (2) the average time a case is before the court from  
16 filing to disposition; and  
17 (3) the age of the court's active pending caseload.

18 SECTION 7. Section 74.046, Government Code, is amended to  
19 read as follows:

20 Sec. 74.046. DUTIES OF PRESIDING JUDGE. (a) A presiding  
21 judge shall:

- 22 (1) ensure the promulgation of regional rules of  
23 administration within policies and guidelines set by the supreme  
24 court;  
25 (2) advise local judges on case flow management and  
26 auxiliary court services;  
27 (3) recommend to the chief justice of the supreme

1 court any needs for judicial assignments from outside the region;

2 (4) recommend to the supreme court any changes in the  
3 organization, jurisdiction, operation, or procedures of the region  
4 necessary or desirable for the improvement of the administration of  
5 justice;

6 (5) act for a local administrative judge when the  
7 local administrative judge does not perform the duties required by  
8 Subchapter D;

9 (6) implement and execute any rules adopted by the  
10 supreme court under this chapter;

11 (7) provide the supreme court or the office of court  
12 administration statistical information requested; and

13 (8) perform the duties assigned by the chief justice  
14 of the supreme court.

15 (b) A presiding judge may appoint a judicial mentor or  
16 arrange for additional administrative personnel to be assigned to a  
17 court identified by the Office of Court Administration of the Texas  
18 Judicial System as needing additional assistance under Section  
19 72.024(b-1).

20 SECTION 8. Section 81.075, Government Code, is amended by  
21 adding Subsection (f) to read as follows:

22 (f) If the panel of a district grievance committee finds an  
23 attorney knowingly made a false declaration on an application for a  
24 place on the ballot as a candidate for judicial office under Section  
25 141.0311, Election Code, the committee shall impose a public  
26 sanction against the respondent attorney.

27 SECTION 9. Chapter 82, Government Code, is amended by

1 adding Subchapter D to read as follows:

2 SUBCHAPTER D. SPECIALTY CERTIFICATIONS FOR ATTORNEYS

3 Sec. 82.101. SPECIALTY CERTIFICATION IN JUDICIAL  
4 ADMINISTRATION. (a) The supreme court shall adopt rules  
5 establishing a specialty certification for attorneys in the  
6 practice area of judicial administration.

7 (b) For purposes of establishing a specialty certification  
8 for attorneys in the practice area of judicial administration, the  
9 Texas Board of Legal Specialization shall make recommendations to  
10 the supreme court for the specialty certification and a proposed  
11 examination for obtaining the specialty certification.

12 (c) The Texas Board of Legal Specialization shall make the  
13 specialty certification for attorneys in judicial administration  
14 available to each judge of an appellate court, district court,  
15 statutory county court, statutory probate court, or county court  
16 performing judicial functions who is a licensed attorney and who  
17 meets the eligibility requirements established by the board.

18 (d) The supreme court by rule shall require an attorney who  
19 holds a specialty certification in judicial administration to  
20 annually complete 21 hours of continuing legal education to  
21 maintain the certification.

22 (e) A justice or judge who holds a specialty certification  
23 in judicial administration or another specialty certification may  
24 be entitled to additional compensation if the legislature makes a  
25 specific appropriation for that purpose.

26 SECTION 10. (a) As soon as practicable after the effective  
27 date of this Act, the Texas Supreme Court shall adopt the rules

1 necessary to implement Chapter 39, Government Code, as added by  
2 this Act, and Subchapter D, Chapter 82, Government Code, as added by  
3 this Act.

4 (b) As soon as practicable after the effective date of this  
5 act, the Texas Judicial Council shall adopt the rules necessary for  
6 the Office of Court Administration of the Texas Judicial System to  
7 collect the information required under Sections 72.082 and 72.083,  
8 Government Code, as amended by this Act.

9 (c) Section 141.0311, Election Code, as added by this Act,  
10 applies only to an application for a place on the ballot filed for  
11 an election ordered on or after the effective date of this Act. An  
12 application for a place on the ballot filed for an election ordered  
13 before the effective date of this Act is covered by the law in  
14 effect on the date the application was filed, and the former law is  
15 continued in effect for that purpose.

16 (d) The changes in law made by Chapter 39, Government Code,  
17 as added by this Act, apply to all judges elected, appointed, or  
18 holding office on or after the effective date of this Act.

19 SECTION 11. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2384 was passed by the House on April 18, 2023, by the following vote: Yeas 146, Nays 2, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 2384 was passed by the Senate on May 17, 2023, by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

1 AN ACT  
2 relating to discovery procedures for civil actions brought under  
3 the Family Code.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The Family Code is amended by adding Title 6 to  
6 read as follows:

7 TITLE 6. CIVIL PROCEDURE

8 CHAPTER 301. DISCOVERY PROCEDURES FOR CIVIL ACTIONS

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 301.001. APPLICABILITY OF CHAPTER. This chapter  
11 applies only to a civil action brought under this code.

12 Sec. 301.002. CONFLICT WITH TEXAS RULES OF CIVIL PROCEDURE.  
13 Notwithstanding Section 22.004, Government Code, this chapter may  
14 not be modified or repealed by a rule adopted by the supreme court.

15 Sec. 301.003. DRAFT EXPERT REPORTS AND DISCLOSURES  
16 PROTECTED. A draft expert report or draft disclosure required  
17 under this chapter is protected from discovery, regardless of the  
18 form in which the draft is recorded.

19 SUBCHAPTER B. REQUEST FOR DISCLOSURE

20 Sec. 301.051. REQUEST. Not later than the 30th day before  
21 the last day of any applicable discovery period, a party may obtain  
22 disclosure from another party of the information or material  
23 described by Section 301.052 by serving the other party the  
24 following request:



1           "Under Subchapter B, Chapter 301, Family Code, you are  
2 requested to disclose, not later than the 30th day after the date of  
3 service of this request, the information or material described by  
4 Section (state applicable provision of Section 301.052)."

5           Sec. 301.052. CONTENT. (a) A party may request disclosure  
6 under Section 301.051 of any or all of the following:

7                   (1) the correct names of the parties to the action;

8                   (2) the name, address, and telephone number of any  
9 potential parties;

10                   (3) the legal theories and, in general, the factual  
11 bases of the responding party's claims or defenses;

12                   (4) the amount and any method of calculating economic  
13 damages;

14                   (5) the name, address, and telephone number of any  
15 person having knowledge of relevant facts and a brief statement of  
16 each identified person's connection with the action;

17                   (6) for any testifying expert:

18                           (A) the expert's name, address, and telephone  
19 number;

20                           (B) the subject matter on which the expert will  
21 testify;

22                           (C) the general substance of the expert's mental  
23 impressions and opinions and a brief summary of the basis for those  
24 impressions and opinions, or if the expert is not retained by,  
25 employed by, or otherwise subject to the control of the responding  
26 party, documents reflecting that information; and

27                           (D) if the expert is retained by, employed by, or

1 otherwise subject to the control of the responding party:  
2 (i) all documents, tangible things,  
3 reports, models, or data compilations that have been provided to,  
4 reviewed by, or prepared by or for the expert in anticipation of the  
5 expert's testimony; and  
6 (ii) the expert's current resume and  
7 biography;  
8 (7) any discoverable settlement agreement described  
9 by Rule 192.3(g), Texas Rules of Civil Procedure;  
10 (8) any discoverable witness settlement described by  
11 Rule 192.3(h), Texas Rules of Civil Procedure;  
12 (9) in an action alleging physical or mental injury  
13 and damages from the occurrence that is the subject of the action:  
14 (A) all medical records and bills that are  
15 reasonably related to the injuries or damages asserted; or  
16 (B) an authorization permitting the disclosure  
17 of the information described by Paragraph (A);  
18 (10) in an action alleging physical or mental injury  
19 and damages from the occurrence that is the subject of the action,  
20 all medical records and bills obtained by the responding party  
21 through an authorization provided by the requesting party; and  
22 (11) the name, address, and telephone number of any  
23 person who may be designated as a responsible third party.  
24 (b) For purposes of Subsection (a)(3), the responding party  
25 is not required to compile all evidence that may be offered at  
26 trial.  
27 Sec. 301.053. RESPONSE. The responding party must serve a

1 written response on the requesting party not later than the 30th day  
2 after the date the requesting party serves a request under Section  
3 301.051, except that:

4 (1) a defendant served with a request before the  
5 defendant's answer is due is not required to respond until the 50th  
6 day after the date the request is served; and

7 (2) a response to a request under Section  
8 301.052(a)(6) is governed by Subchapter C.

9 Sec. 301.054. PRODUCTION OF DOCUMENTS AND TANGIBLE ITEMS.  
10 The responding party shall provide copies of documents and other  
11 tangible items with the response to a request served under Section  
12 301.051 unless:

13 (1) the responsive documents are voluminous;

14 (2) the responding party states a reasonable time and  
15 place for the production of the documents;

16 (3) the responding party produces the documents at the  
17 time and place stated under Subdivision (2) unless otherwise agreed  
18 by the parties or ordered by the court; and

19 (4) the responding party provides the requesting party  
20 a reasonable opportunity to inspect the documents.

21 Sec. 301.055. WORK PRODUCT OBJECTION PROHIBITED. A party  
22 may not assert a work product privilege for or object on the basis  
23 of a work product privilege to a request served under Section  
24 301.051.

25 Sec. 301.056. CERTAIN RESPONSES NOT ADMISSIBLE. A response  
26 to a request under Section 301.052(a)(3) or (4) that has been  
27 changed by an amended or supplemental response is not admissible

1 and may not be used for impeachment.

2 SUBCHAPTER C. DISCOVERY REGARDING TESTIFYING EXPERT WITNESSES

3 Sec. 301.101. PERMISSIBLE DISCOVERY METHODS. A party may  
4 request another party to designate and disclose information  
5 concerning testifying expert witnesses only through:

6 (1) a disclosure request served under Section 301.051;

7 or

8 (2) a deposition or report permitted by this  
9 subchapter.

10 Sec. 301.102. DEADLINE FOR RESPONSE. Unless otherwise  
11 ordered by the court, a responding party shall provide the  
12 information requested under Section 301.052(a)(6) not later than  
13 the later of:

14 (1) the 30th day after the date the request is served;

15 or

16 (2) either, as applicable:

17 (A) with respect to an expert testifying for a  
18 party seeking affirmative relief, the 90th day before the end of the  
19 discovery period; or

20 (B) with respect to an expert not described by  
21 Paragraph (A), the 60th day before the end of the discovery period.

22 Sec. 301.103. DEPOSITION AVAILABILITY. (a) A party  
23 seeking affirmative relief shall make an expert retained by,  
24 employed by, or otherwise under the control of the party available  
25 for a deposition in accordance with this section.

26 (b) If a party seeking affirmative relief does not provide a  
27 report of the party's expert's factual observations, tests,

1 supporting data, calculations, photographs, and opinions when the  
2 party designates the expert, the party shall make the expert  
3 available for a deposition reasonably promptly after the  
4 designation. If the deposition cannot be reasonably concluded more  
5 than 15 days before the deadline for designating other experts due  
6 to the actions of the party who designated the expert, the court  
7 shall extend the deadline for other experts testifying on the same  
8 subject.

9       (c) If a party seeking affirmative relief provides a report  
10 of the party's expert's factual observations, tests, supporting  
11 data, calculations, photographs, and opinions when the party  
12 designates the expert, the party is not required to make the expert  
13 available for a deposition until reasonably promptly after all  
14 other experts have been designated.

15       (d) A party not seeking affirmative relief shall make an  
16 expert retained by, employed by, or otherwise under the control of  
17 the party available for a deposition reasonably promptly after the  
18 party designates the expert and the experts testifying on the same  
19 subject for the party seeking affirmative relief have been deposed.

20       Sec. 301.104. CONTENT OF ORAL DEPOSITIONS AND COURT-ORDERED  
21 REPORTS. In addition to a disclosure request served under Section  
22 301.051, a party may obtain discovery by oral deposition and a  
23 report prepared in accordance with Section 301.105 of:

24               (1) the subject matter on which a testifying expert is  
25 expected to testify;

26               (2) the expert's mental impressions and opinions;

27               (3) the facts known to the expert, regardless of when

1 the factual information is acquired, that relate to or form the  
2 basis of the expert's mental impressions and opinions; and

3 (4) other discoverable items, including documents not  
4 produced in response to a disclosure request.

5 Sec. 301.105. COURT-ORDERED REPORTS. If the discoverable  
6 factual observations, tests, supporting data, calculations,  
7 photographs, or opinions of an expert are not recorded and reduced  
8 to tangible form, the court may order that information be reduced to  
9 tangible form and produced in addition to the deposition.

10 Sec. 301.106. AMENDMENT AND SUPPLEMENTATION OF DISCOVERY.  
11 A party's duty to amend and supplement written discovery regarding  
12 a testifying expert is governed by Rule 193.5, Texas Rules of Civil  
13 Procedure. If a party retains, employs, or otherwise controls an  
14 expert witness, the party must amend or supplement the expert's  
15 deposition testimony or written report only with regard to the  
16 expert's mental impressions or opinions and the basis for those  
17 impressions or opinions.

18 Sec. 301.107. COST OF EXPERT WITNESSES. When a party takes  
19 the oral deposition of an expert witness retained by an opposing  
20 party, the party retaining the expert shall pay all reasonable fees  
21 charged by the expert for time spent in preparing for, giving,  
22 reviewing, and correcting the deposition.

23 Sec. 301.108. EXPERT COMMUNICATIONS PROTECTED.  
24 Communications between a party's attorney and a testifying expert  
25 witness in an action subject to this chapter are protected from  
26 discovery regardless of the form of the communications, except to  
27 the extent that the communications:

1           (1) relate to compensation for the expert's study or  
2 testimony;

3           (2) identify facts or data that the party's attorney  
4 provided and that the expert considered in forming the opinions the  
5 expert will express; or

6           (3) identify assumptions that the party's attorney  
7 provided and that the expert relied on in forming the opinions the  
8 expert will express.

9           SECTION 2. Chapter 301, Family Code, as added by this Act,  
10 applies only to an action filed on or after the effective date of  
11 this Act.

12           SECTION 3. This Act takes effect September 1, 2023.

H.B. No. 2850

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2850 was passed by the House on May 4, 2023, by the following vote: Yeas 142, Nays 2, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 2850 was passed by the Senate on May 24, 2023, by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor



1 AN ACT  
2 relating to the operation and administration of and practices and  
3 procedures regarding proceedings in the judicial branch of state  
4 government, including the service of process and delivery of  
5 documents related to the proceedings, the administration of oaths,  
6 and the management of the Texas Indigent Defense Commission, and  
7 the composition of certain juvenile boards; establishing a civil  
8 penalty; increasing certain court costs; authorizing fees.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

10 ARTICLE 1. APPELLATE AND DISTRICT COURTS

11 SECTION 1.001. Subchapter D, Chapter 22, Government Code,  
12 is amended by adding Section 22.3015 to read as follows:

13 Sec. 22.3015. EXPENSES OF APPELLATE COURT JUDGE OR JUSTICE.

14 (a) A justice of the supreme court, a judge of the court of criminal  
15 appeals, or a justice of a court of appeals engaged in the discharge  
16 of official duties in a county other than the justice's or judge's  
17 county of residence is entitled to traveling and other necessary  
18 expenses, as provided by Chapter 660.

19 (b) A justice of the supreme court, a judge of the court of  
20 criminal appeals, or a justice of a court of appeals is entitled to  
21 receive from the state the actual and necessary postage, telegraph,  
22 and telephone expenses incurred in the discharge of official  
23 duties.

24 (c) The expenses shall be paid by the state on a sworn

1 itemized account showing the expenses.

2 SECTION 1.002. Section 24.392, Government Code, is amended  
3 by amending Subsections (b) and (c) and adding Subsection (d) to  
4 read as follows:

5 (b) The 213th District Court shall give preference to  
6 criminal cases.

7 (c) The terms of the 213th District Court begin on the first  
8 Mondays in January, April, July, and October.

9 (d) [~~e~~] In addition to other jurisdiction provided by  
10 law, the 213th District Court has concurrent original jurisdiction  
11 with the county criminal courts in Tarrant County over misdemeanor  
12 cases.

13 SECTION 1.003. Section 24.516, Government Code, is amended  
14 by amending Subsection (c) and adding Subsection (d) to read as  
15 follows:

16 (c) The terms of the 371st District Court begin on the first  
17 Mondays in January, April, July, and October.

18 (d) In addition to other jurisdiction provided by law, the  
19 371st District Court has concurrent original jurisdiction with the  
20 county criminal courts in Tarrant County over misdemeanor cases.

21 SECTION 1.004. Section 24.517, Government Code, is amended  
22 by amending Subsection (c) and adding Subsection (d) to read as  
23 follows:

24 (c) The terms of the 372nd District Court begin on the first  
25 Mondays in January, April, July, and October.

26 (d) In addition to other jurisdiction provided by law, the  
27 372nd District Court has concurrent original jurisdiction with the

1 county criminal courts in Tarrant County over misdemeanor cases.

2 SECTION 1.005. Section 24.541, Government Code, is amended  
3 by amending Subsection (c) and adding Subsection (d) to read as  
4 follows:

5 (c) The terms of the 396th District Court begin on the first  
6 Mondays in January, April, July, and October.

7 (d) In addition to other jurisdiction provided by law, the  
8 396th District Court has concurrent original jurisdiction with the  
9 county criminal courts and the justice courts in Tarrant County  
10 over misdemeanor cases.

11 SECTION 1.006. (a) Section 24.553, Government Code, is  
12 amended by adding Subsection (c) to read as follows:

13 (c) The 411th District Court has concurrent jurisdiction in  
14 Polk County with the county court over all misdemeanor cases over  
15 which the county court has jurisdiction under the constitution and  
16 laws of this state. Cases in the concurrent misdemeanor  
17 jurisdiction may be filed in either court, and all cases of  
18 concurrent misdemeanor jurisdiction may be transferred between the  
19 411th District Court and the county court. A case may not be  
20 transferred from one court to another without the consent of the  
21 judge of the court to which it is transferred, and a case may not be  
22 transferred unless it is within the jurisdiction of the court to  
23 which it is transferred.

24 (b) Section 24.553, Government Code, as amended by this  
25 article, applies only to a case filed or proceeding commenced on or  
26 after September 1, 2023. A case filed or proceeding commenced  
27 before September 1, 2023, is governed by the law in effect on the

1 date the case was filed or the proceeding was commenced, and the  
2 former law is continued in effect for that purpose.

3 SECTION 1.007. Section 24.576, Government Code, is amended  
4 by adding Subsections (c) and (d) to read as follows:

5 (c) The terms of the 432nd District Court begin on the first  
6 Mondays in January, April, July, and October.

7 (d) In addition to other jurisdiction provided by law, the  
8 432nd District Court has concurrent original jurisdiction with the  
9 county criminal courts in Tarrant County over misdemeanor cases.

10 SECTION 1.008. Section 24.591, Government Code, is amended  
11 by adding Subsections (d) and (e) to read as follows:

12 (d) Notwithstanding Section 24.030, a district court in  
13 Kendall County may sit outside the county seat in a suitable  
14 facility designated by the Kendall County Commissioners Court as an  
15 auxiliary court facility, as provided by Section 292.031, Local  
16 Government Code.

17 (e) A district court in Kendall County sitting in an  
18 auxiliary court facility designated by the Kendall County  
19 Commissioners Court may hear motions, arguments, nonjury trials,  
20 and jury trials for all actions and any other matter before the  
21 court and within the court's jurisdiction.

22 SECTION 1.009. (a) Effective January 1, 2025, Subchapter  
23 C, Chapter 24, Government Code, is amended by adding Section  
24 24.600201 to read as follows:

25 Sec. 24.600201. 477TH JUDICIAL DISTRICT (DENTON COUNTY).  
26 The 477th Judicial District is composed of Denton County.

27 (b) The 477th Judicial District is created on January 1,

1 2025.

2 SECTION 1.010. Section 24.60030, Government Code, is  
3 amended by adding Subsections (c) and (d) to read as follows:

4 (c) The terms of the 485th District Court begin on the first  
5 Mondays in January, April, July, and October.

6 (d) In addition to other jurisdiction provided by law, the  
7 485th District Court has concurrent original jurisdiction with the  
8 county criminal courts in Tarrant County over misdemeanor cases.

9 SECTION 1.011. (a) Effective October 1, 2023, Subchapter  
10 C, Chapter 24, Government Code, is amended by adding Sections  
11 24.60031, 24.60032, and 24.60033 to read as follows:

12 Sec. 24.60031. 486TH JUDICIAL DISTRICT (HARRIS COUNTY).

13 (a) The 486th Judicial District is composed of Harris County.

14 (b) The 486th District Court shall give preference to  
15 criminal cases.

16 Sec. 24.60032. 487TH JUDICIAL DISTRICT (HARRIS COUNTY).

17 (a) The 487th Judicial District is composed of Harris County.

18 (b) The 487th District Court shall give preference to  
19 criminal cases.

20 Sec. 24.60033. 488TH JUDICIAL DISTRICT (HARRIS COUNTY).

21 (a) The 488th Judicial District is composed of Harris County.

22 (b) The 488th District Court shall give preference to  
23 criminal cases.

24 (b) The 486th, 487th, and 488th Judicial Districts are  
25 created on October 1, 2023.

26 SECTION 1.012. (a) Subchapter C, Chapter 24, Government  
27 Code, is amended by adding Section 24.60034 to read as follows:

1           Sec. 24.60034. 489TH JUDICIAL DISTRICT (KAUFMAN COUNTY).

2           The 489th Judicial District is composed of Kaufman County.

3           (b) The 489th Judicial District is created on September 1,  
4 2023.

5           SECTION 1.013. (a) Subchapter C, Chapter 24, Government  
6 Code, is amended by adding Section 24.60038 to read as follows:

7           Sec. 24.60038. 493RD JUDICIAL DISTRICT (COLLIN COUNTY).

8           (a) The 493rd Judicial District is composed of Collin County.

9           (b) The 493rd District Court shall give preference to civil  
10 cases.

11           (b) The 493rd Judicial District is created on September 1,  
12 2023.

13           SECTION 1.014. (a) Effective September 1, 2024, Subchapter  
14 C, Chapter 24, Government Code, is amended by adding Section  
15 24.60039 to read as follows:

16           Sec. 24.60039. 494TH JUDICIAL DISTRICT (COLLIN COUNTY).

17           (a) The 494th Judicial District is composed of Collin County.

18           (b) The 494th District Court shall give preference to family  
19 law matters.

20           (b) The 494th Judicial District is created on September 1,  
21 2024.

22           SECTION 1.015. (a) Effective October 1, 2024, Subchapter  
23 C, Chapter 24, Government Code, is amended by adding Sections  
24 24.60040, 24.60041, and 24.60042 to read as follows:

25           Sec. 24.60040. 495TH JUDICIAL DISTRICT (HARRIS COUNTY).

26           (a) The 495th Judicial District is composed of Harris County.

27           (b) The 495th District Court shall give preference to

1 criminal cases.

2 Sec. 24.60041. 496TH JUDICIAL DISTRICT (HARRIS COUNTY).

3 (a) The 496th Judicial District is composed of Harris County.

4 (b) The 496th District Court shall give preference to  
5 criminal cases.

6 Sec. 24.60042. 497TH JUDICIAL DISTRICT (HARRIS COUNTY).

7 (a) The 497th Judicial District is composed of Harris County.

8 (b) The 497th District Court shall give preference to  
9 criminal cases.

10 (b) The 495th, 496th, and 497th Judicial Districts are  
11 created on October 1, 2024.

12 SECTION 1.016. (a) Effective October 1, 2025, Subchapter  
13 C, Chapter 24, Government Code, is amended by adding Section  
14 24.60043 to read as follows:

15 Sec. 24.60043. 498TH JUDICIAL DISTRICT (KENDALL COUNTY).

16 (a) The 498th Judicial District is composed of Kendall County.

17 (b) This section applies to all district courts in Kendall  
18 County.

19 (c) In addition to the other jurisdiction provided by law,  
20 the 498th District Court has concurrent jurisdiction with the other  
21 district courts in Kendall County and with the County Court of  
22 Kendall County in all civil and criminal matters over which the  
23 county court has original or appellate jurisdiction, including  
24 probate matters and proceedings under Subtitle C, Title 7, Health  
25 and Safety Code.

26 (d) All civil and criminal matters within the concurrent  
27 jurisdiction of the county and district courts must be filed with

1 the county clerk in the county court. The county clerk serves as  
2 the clerk of the district court for those matters.

3 (e) Notwithstanding Section 24.030, a district court in  
4 Kendall County may sit outside the county seat in a suitable  
5 facility designated by the Kendall County Commissioners Court as an  
6 auxiliary court facility, as provided by Section 292.031, Local  
7 Government Code.

8 (f) A district court in Kendall County sitting in an  
9 auxiliary court facility designated by the Kendall County  
10 Commissioners Court may hear motions, arguments, nonjury trials,  
11 and jury trials for all actions and any other matter before the  
12 court and within the court's jurisdiction.

13 (b) The 498th Judicial District is created on October 1,  
14 2025.

15 SECTION 1.017. (a) Subchapter C, Chapter 24, Government  
16 Code, is amended by adding Section 24.6009 to read as follows:

17 Sec. 24.6009. 465TH JUDICIAL DISTRICT (BASTROP COUNTY).  
18 The 465th Judicial District is composed of Bastrop County.

19 (b) The 465th Judicial District is created on September 1,  
20 2023.

21 SECTION 1.018. (a) Subchapter C, Chapter 24, Government  
22 Code, is amended by adding Section 24.60095 to read as follows:

23 Sec. 24.60095. 472ND JUDICIAL DISTRICT (BRAZOS COUNTY).  
24 (a) The 472nd Judicial District is composed of Brazos County.

25 (b) The 472nd District Court has primary responsibility for  
26 cases involving civil matters, family law matters, and juvenile  
27 matters.



1           (b) The 472nd Judicial District is created on September 1,  
2 2023.

3           SECTION 1.019. (a) Section 24.910, Government Code, is  
4 amended by adding Subsection (a-1) and amending Subsections (b),  
5 (c), and (e) to read as follows:

6           (a-1) Subchapter C applies to the Tarrant County Criminal  
7 District Court No. 1.

8           (b) This section applies to the Tarrant County Criminal  
9 District Courts Nos. 1, 2, ~~and~~ 3, and 4.

10          (c) The criminal district courts have jurisdiction of  
11 criminal cases within the jurisdiction of a district court. The  
12 criminal district courts also have concurrent original  
13 jurisdiction with the county criminal courts in Tarrant County over  
14 misdemeanor cases. The criminal district courts do not have  
15 appellate misdemeanor jurisdiction.

16          (e) The judge of each criminal district court or county  
17 criminal court may, on motion of the judge or the criminal district  
18 attorney, transfer misdemeanor cases between the courts by an order  
19 entered in the minutes of the transferor ~~[transferring]~~ court. The  
20 clerk of the transferor ~~[transferring]~~ court shall certify the  
21 style and number of the case to the clerk of the transferee court  
22 ~~[to which it is transferred]~~ and include the papers of the case with  
23 the certification. The ~~[receiving]~~ clerk of the transferee court  
24 shall promptly docket the transferred case. The transferee  
25 ~~[receiving]~~ court shall dispose of the case as if it had been  
26 originally instituted in that court.

27          (b) Section 24.910(f), Government Code, is repealed.

1 SECTION 1.020. Section 24.911, Government Code, is amended  
2 by adding Subsection (a-1) to read as follows:

3 (a-1) Subchapter C applies to the Tarrant County Criminal  
4 District Court No. 2.

5 SECTION 1.021. Section 24.912, Government Code, is amended  
6 by adding Subsection (a-1) to read as follows:

7 (a-1) Subchapter C applies to the Tarrant County Criminal  
8 District Court No. 3.

9 SECTION 1.022. (a) The heading to Section 24.913,  
10 Government Code, is amended to read as follows:

11 Sec. 24.913. TARRANT COUNTY CRIMINAL JUDICIAL DISTRICT  
12 NO. 4 [OF TARRANT COUNTY].

13 (b) Section 24.913, Government Code, is amended by amending  
14 Subsections (a) and (d) and adding Subsection (d-1) to read as  
15 follows:

16 (a) The Tarrant County Criminal Judicial District No. 4 [~~of~~  
17 ~~Tarrant County~~] is composed of Tarrant County.

18 (d) Subchapter C applies to the Tarrant County Criminal  
19 District Court No. 4 [~~of Tarrant County~~].

20 (d-1) Section 24.910, relating to the Tarrant County  
21 Criminal District Court No. 1, contains provisions applicable to  
22 both that court and the Tarrant County Criminal District Court  
23 No. 4.

24 (c) Sections 24.913(b), (c), and (e), Government Code, are  
25 repealed.

26 SECTION 1.023. Subchapter C, Chapter 72, Government Code,  
27 is amended by adding Section 72.039 to read as follows:

1       Sec. 72.039. DISTRICT COURT CASELOAD ANALYSIS. (a) In this  
2 section:

3               (1) "Clearance rate" has the meaning assigned by  
4 Section 72.083.

5               (2) "Judicial officer" means a district judge or an  
6 associate judge, master, magistrate, or referee who conducts  
7 proceedings for district courts.

8               (b) The office at least once every two years shall conduct a  
9 district court caseload analysis. The analysis must concentrate  
10 on the weighted caseload of the district courts in the 30 most  
11 populous counties in this state, considering the nature and  
12 complexity of cases heard by each court, and include the following  
13 information, disaggregated by county:

14                       (1) the number of cases filed in each district court  
15 with jurisdiction in the county in each of the preceding five state  
16 fiscal years;

17                       (2) the clearance rate for each district court with  
18 jurisdiction in the county in each of the preceding five state  
19 fiscal years;

20                       (3) the number of estimated full-time equivalent  
21 judicial officers serving district courts in the county in the  
22 preceding state fiscal year;

23                       (4) the number of full-time equivalent judicial  
24 officers needed to serve the district courts in the county based on  
25 the most recent weighted caseload analysis;

26                       (5) the calendar year for creation of the most  
27 recently created district court in the county; and

1           (6) any other relevant information identified by the  
2 director.

3           (c) Not later than October 1 of each even-numbered year, the  
4 office shall report the results of the analysis conducted under  
5 Subsection (b) to the governor, the lieutenant governor, and each  
6 member of the legislature.

7           SECTION 1.024. Section 659.012(b), Government Code, is  
8 amended to read as follows:

9           (b) A judge or justice for whom the amount of a state base  
10 salary is prescribed by Subsection (a) is entitled to an annual  
11 salary from the state in the amount equal to:

12                   (1) 110 percent of the state base salary paid in  
13 accordance with Subsection (a) for the judge's or justice's  
14 position, beginning with the pay period that begins after the judge  
15 or justice accrues four years of:

16                           (A) contributing service credit in the Judicial  
17 Retirement System of Texas Plan One or the Judicial Retirement  
18 System of Texas Plan Two;

19                           (B) service as a judge or a full-time associate  
20 judge of a district court, statutory county court, multicounty  
21 statutory county court, or statutory probate court or as a district  
22 attorney, criminal district attorney, or county attorney; or

23                           (C) combined contributing service credit and  
24 service as provided by Paragraphs (A) and (B); and

25                   (2) 120 percent of the state base salary paid in  
26 accordance with Subsection (a) for the judge's or justice's  
27 position, beginning with the pay period that begins after the judge

1 or justice accrues eight years of:

2 (A) contributing service credit in the Judicial  
3 Retirement System of Texas Plan One or the Judicial Retirement  
4 System of Texas Plan Two;

5 (B) service as a judge or a full-time associate  
6 judge of a district court, statutory county court, multicounty  
7 statutory county court, or statutory probate court or as a district  
8 attorney, criminal district attorney, or county attorney; or

9 (C) combined contributing service credit and  
10 service as provided by Paragraphs (A) and (B).

11 ARTICLE 2. STATUTORY COUNTY COURTS

12 SECTION 2.001. Section 25.0005(a), Government Code, is  
13 amended to read as follows:

14 (a) A statutory county court judge, other than a statutory  
15 county court judge who engages in the private practice of law, shall  
16 be paid a total annual salary set by the commissioners court at an  
17 amount that is not less than \$1,000 less than the sum of the annual  
18 salary as set by the General Appropriations Act in accordance with  
19 Section 659.012 paid to a district judge with comparable years of  
20 service as the statutory county court judge and any state or county  
21 contributions and supplements paid to a district judge in the  
22 county, other than contributions received as compensation under  
23 Section 74.051. A statutory county court judge's total annual  
24 salary includes any state or county contributions and supplements  
25 paid to the judge. For purposes of this subsection, the years of  
26 service of a statutory county court judge include any years of  
27 service as:

1           (1) an appellate court, district court, multicounty  
2 statutory county court, or statutory probate court justice or  
3 judge; or

4           (2) a district attorney, criminal district attorney,  
5 or county attorney.

6           SECTION 2.002. Section 25.0023(a), Government Code, is  
7 amended to read as follows:

8           (a) The commissioners court shall set the total annual  
9 salary of each judge of a statutory probate court at an amount that  
10 is at least equal to the sum of the annual salary as set by the  
11 General Appropriations Act in accordance with Section 659.012 paid  
12 to a district judge with comparable years of service as the  
13 statutory probate court judge and any state or county contributions  
14 and supplements paid to a district judge in the county, other than  
15 contributions received as compensation under Section 74.051. A  
16 statutory probate court judge's total annual salary includes any  
17 state or county contributions and supplements paid to the judge,  
18 other than contributions paid under Section 25.0022(e). For  
19 purposes of this subsection, the years of service of a statutory  
20 probate court judge include any years of service as:

21           (1) an appellate court, district court, multicounty  
22 statutory county court, or statutory county court justice or judge;  
23 or

24           (2) a district attorney, criminal district attorney,  
25 or county attorney.

26           SECTION 2.003. (a) Sections 25.0062(a) and (b), Government  
27 Code, are amended to read as follows:

1           (a) In addition to the jurisdiction provided by Section  
2 [25.0003](#) and other law, a county court at law of Aransas County has  
3 concurrent jurisdiction with the district court in:

4           (1) family law cases and proceedings; ~~and~~

5           (2) felony cases to conduct arraignments, conduct  
6 pretrial hearings, and accept guilty pleas; and

7           (3) civil cases in which the matter in controversy  
8 exceeds the maximum amount provided by Section [25.0003](#).

9           (b) The district clerk serves as clerk of a county court at  
10 law in felony cases, in ~~and~~ family law cases and proceedings, and  
11 in civil cases in which the matter in controversy exceeds \$250,000.

12 The ~~and the~~ county clerk serves as clerk of a county court at law  
13 in all other cases. The district clerk shall establish a separate  
14 docket for a county court at law. The commissioners court shall  
15 provide the deputy clerks, bailiffs, and other personnel necessary  
16 to operate a county court at law.

17           (b) Sections [25.0062](#)(a) and (b), Government Code, as  
18 amended by this section, apply only to a case filed or proceeding  
19 commenced on or after September 1, 2023. A case filed or proceeding  
20 commenced before September 1, 2023, is governed by the law in effect  
21 on the date the case was filed or the proceeding was commenced, and  
22 the former law is continued in effect for that purpose.

23           SECTION 2.004. (a) Section [25.0171](#)(c), Government Code, is  
24 amended to read as follows:

25           (c) Bexar County also has the following statutory probate  
26 courts:

27           (1) Probate Court No. 1 of Bexar County, Texas; ~~and~~

1           (2) Probate Court No. 2 of Bexar County, Texas; and  
2           (3) Probate Court No. 3 of Bexar County, Texas.

3           (b) The Probate Court No. 3 of Bexar County, Texas, is  
4 created on September 1, 2023.

5           SECTION 2.005. (a) Section 25.0173, Government Code, is  
6 amended by amending Subsections (a) and (o) and adding Subsection  
7 (p) to read as follows:

8           (a) A statutory probate court in Bexar County has the  
9 general jurisdiction of a probate court as provided by Section  
10 25.0021. Probate Courts Nos. 1, ~~and~~ 2, and 3 have eminent domain  
11 jurisdiction and jurisdiction to decide the issue of title to real  
12 or personal property. Notwithstanding the local rules adopted  
13 under Section 74.093, the county clerk shall docket all eminent  
14 domain cases equally among ~~in~~ Probate Courts Nos. ~~[Court No.]~~ 1,  
15 ~~[and Probate Court No.]~~ 2, and 3.

16           (o) Notwithstanding the local rules adopted under Section  
17 74.093, the county clerk shall:

18                 (1) docket all mental health matters in Probate Court  
19 No. 1; and

20                 (2) assign equally among the statutory probate courts  
21 in Bexar County and ~~[shall]~~ docket at random all other matters and  
22 proceedings filed in the statutory probate courts in Bexar County  
23 ~~[even-numbered probate cases in Probate Court No. 2 and all~~  
24 ~~odd-numbered probate cases in Probate Court No. 1].~~

25           (p) Notwithstanding Section 25.0022(h), in the absence,  
26 disqualification, or incapacity of a statutory probate judge in  
27 Bexar County or on the judge's request, the statutory probate



1 judges in Bexar County may sit and act for each other in any probate  
2 matter or proceeding. A statutory probate judge in Bexar County  
3 may:

4 (1) hear and determine any matter or proceeding  
5 pending in another statutory probate court in Bexar County; or

6 (2) enter any order in the matter or proceeding that  
7 the judge of the other statutory probate court in Bexar County may  
8 enter.

9 (b) Section 25.0173(j), Government Code, is repealed.

10 (c) Notwithstanding Section 25.0173, Government Code, as  
11 amended by this section, the county clerk for Bexar County shall  
12 assign to Probate Court No. 3 of Bexar County, Texas, one-third of  
13 all cases pending on September 1, 2023, in Probate Court No. 1 of  
14 Bexar County, Texas, and Probate Court No. 2 of Bexar County,  
15 Texas, that were filed before January 1, 2020.

16 SECTION 2.006. (a) Section 25.0331, Government Code, is  
17 amended by amending Subsection (a) and adding Subsection (a-1) to  
18 read as follows:

19 (a) Cameron County has the following statutory county  
20 courts:

21 (1) County Court at Law No. 1 of Cameron County;

22 (2) County Court at Law No. 2 of Cameron County;

23 (3) County Court at Law No. 3 of Cameron County; and

24 (4) [~~County Court at Law No. 4 of Cameron County; and~~

25 [~~5~~] County Court at Law No. 5 of Cameron County.

26 (a-1) Cameron County has one statutory probate court, the  
27 Probate Court No. 1 of Cameron County.

1           (b) The County Court at Law No. 4 of Cameron County is  
2 redesignated as the Probate Court No. 1 of Cameron County effective  
3 September 1, 2023.

4           SECTION 2.007. (a) Section 25.0332(a), Government Code, is  
5 amended to read as follows:

6           (a) In addition to the jurisdiction provided by Section  
7 25.0003 and other law, a county court at law in Cameron County has[+  
8           ~~[(1) concurrent with the county court, the probate~~  
9 ~~jurisdiction provided by general law for county courts, and~~  
10           ~~[(2)]~~ concurrent jurisdiction with the district court  
11 in civil cases in which the amount in controversy exceeds \$500 but  
12 does not exceed \$1 million, excluding interest.

13           (b) Subchapter C, Chapter 25, Government Code, is amended by  
14 adding Section 25.0333 to read as follows:

15           Sec. 25.0333. CAMERON COUNTY PROBATE COURT PROVISIONS. (a)  
16 A statutory probate court in Cameron County has the jurisdiction of  
17 a probate court as provided by Section 25.0021.

18           (b) A statutory probate court in Cameron County has  
19 jurisdiction over mental health cases diverted from the criminal  
20 justice system in the county.

21           (c) Section 25.0332(b), Government Code, is repealed.

22           (d) The judge of the County Court at Law No. 4 of Cameron  
23 County shall transfer all active cases over which the court loses  
24 jurisdiction under this section and that are pending in the court on  
25 September 1, 2023, to a district court, county court at law, or  
26 county court in the county with jurisdiction over the case.

27           (e) The local administrative statutory county court judge

1 shall transfer any active probate matter that is pending in a  
2 statutory county court in Cameron County on September 1, 2023, to  
3 Probate Court No. 1 of Cameron County.

4 (f) When a case is transferred as provided by Subsection (d)  
5 or (e) of this section, all processes, writs, bonds, recognizances,  
6 or other obligations issued from the transferring court are  
7 returnable to the court to which the case is transferred as if  
8 originally issued by that court. The obligees on all bonds and  
9 recognizances taken in and for a court from which a case is  
10 transferred, and all witnesses summoned to appear in a court from  
11 which a case is transferred, are required to appear before the court  
12 to which a case is transferred as if originally required to appear  
13 before that court.

14 SECTION 2.008. (a) Section 25.0592(1), Government Code, is  
15 amended to read as follows:

16 (1) Sections 25.0006 and 25.0007(b) [~~25.0007~~] do not apply  
17 to a county court at law in Dallas County.

18 (b) Section 25.0592(1), Government Code, as amended by this  
19 section, applies only to a jury impaneled on or after September 1,  
20 2023.

21 SECTION 2.009. Section 25.0732, Government Code, is amended  
22 by adding Subsection (c) to read as follows:

23 (c) The County Criminal Court at Law No. 2 of El Paso  
24 County, Texas, is designated to conduct the DWI Drug Court  
25 Intervention and Treatment Program of El Paso County as a drug court  
26 program under Chapter 123 for persons arrested for, charged with,  
27 or convicted of an offense involving the operation of a motor

1 vehicle while intoxicated.

2 SECTION 2.010. Section 25.0932, Government Code, is amended  
3 by amending Subsection (a) and adding Subsection (b) to read as  
4 follows:

5 (a) In addition to the jurisdiction provided by Section  
6 25.0003 and other law, a county court at law in Grayson County has:

7 (1) original concurrent jurisdiction with the justice  
8 court in all civil and criminal matters over which the justice court  
9 has jurisdiction; and

10 (2) concurrent jurisdiction with the district court in  
11 family law cases and proceedings.

12 (b) The district clerk serves as clerk of a county court at  
13 law in family law cases and proceedings, and the county clerk serves  
14 as clerk of the court in all other cases.

15 SECTION 2.011. (a) Section 25.1031(c), Government Code, is  
16 amended to read as follows:

17 (c) Harris County has the following statutory probate  
18 courts:

- 19 (1) Probate Court No. 1 of Harris County, Texas;  
20 (2) Probate Court No. 2 of Harris County, Texas;  
21 (3) Probate Court No. 3 of Harris County, Texas; ~~and~~  
22 (4) Probate Court No. 4 of Harris County, Texas; and  
23 (5) Probate Court No. 5 of Harris County, Texas.

24 (b) Section 25.1034(j), Government Code, is repealed.

25 (c) The Probate Court No. 5 of Harris County, Texas, is  
26 created on September 1, 2023.

27 SECTION 2.012. Sections 25.1331 and 25.1332, Government

1 Code, are repealed.

2 SECTION 2.013. Sections 25.1572(a), (d), and (e),  
3 Government Code, are amended to read as follows:

4 (a) In addition to the jurisdiction provided by Section  
5 25.0003 and other law and except as limited by Subsection (b), a  
6 county court at law in McLennan County has:

7 (1) concurrent jurisdiction with the district courts  
8 in state jail, third degree, and second degree felony cases and  
9 family law cases on assignment from a district judge presiding in  
10 McLennan County and acceptance of the assignment by the judge of the  
11 county court at law to:

- 12 (A) conduct arraignments;
- 13 (B) conduct pretrial hearings;
- 14 (C) accept guilty pleas and conduct sentencing;
- 15 (D) conduct jury trials and nonjury trials;
- 16 (E) conduct probation revocation hearings;
- 17 (F) conduct post-trial proceedings; and
- 18 (G) conduct family law cases and proceedings; and

19 (2) jurisdiction in:

- 20 (A) Class A and Class B misdemeanor cases;
- 21 (B) probate proceedings;
- 22 (C) eminent domain;
- 23 (D) appeals from the justice and municipal  
24 courts; and
- 25 (E) disputes ancillary to probate, eminent  
26 domain, condemnation, or landlord and tenant matters relating to  
27 the adjudication and determination of land titles and trusts,

1 whether testamentary, inter vivos, constructive, resulting, or any  
2 other class or type of trust, regardless of the amount in  
3 controversy or the remedy sought [~~to conduct arraignments, conduct~~  
4 ~~pretrial hearings, accept guilty pleas, and conduct probation~~  
5 ~~revocation hearings in felony cases~~].

6 (d) A judge of a county court at law shall be paid a total  
7 ~~[an]~~ annual ~~[base]~~ salary set by the commissioners court in an  
8 amount not less than \$1,000 less than the annual ~~[base]~~ salary  
9 received by [~~the state pays to~~] a district judge [~~as set by the~~  
10 ~~General Appropriations Act in accordance with Section 659.012~~] with  
11 equivalent years of service as a ~~[the]~~ judge, as provided under  
12 Section 25.0005, to be paid out of the county treasury by the  
13 commissioners court. [~~A county court at law judge's and a district~~  
14 ~~judge's annual base salaries do not include contributions and~~  
15 ~~supplements paid by the county.~~]

16 (e) The district clerk serves as clerk of a county court at  
17 law in cases instituted in the district courts in which the county  
18 courts at law have [~~matters of~~] concurrent jurisdiction with the  
19 district court. The county clerk serves as the clerk of a county  
20 court at law in all other matters. Each clerk shall establish a  
21 separate docket for a county court at law.

22 SECTION 2.014. (a) Effective October 1, 2023, Section  
23 25.1721, Government Code, is amended to read as follows:

24 Sec. 25.1721. MONTGOMERY COUNTY. (a) Montgomery County  
25 has the following statutory county courts:

- 26 (1) County Court at Law No. 1 of Montgomery County;  
27 (2) [~~County Court at Law No. 2 of Montgomery County,~~

1           ~~(3)~~ County Court at Law No. 3 of Montgomery County;  
2           (3) ~~(4)~~ County Court at Law No. 4 of Montgomery  
3 County;  
4           (4) ~~(5)~~ County Court at Law No. 5 of Montgomery  
5 County; and  
6           (5) ~~(6)~~ County Court at Law No. 6 of Montgomery  
7 County.

8           (b) Montgomery County has one statutory probate court, the  
9 Probate Court No. 1 of Montgomery County.

10           (b) The County Court at Law No. 2 of Montgomery County is  
11 redesignated as the Probate Court No. 1 of Montgomery County  
12 effective October 1, 2023.

13           (c) Effective October 1, 2023, the judge of the County Court  
14 at Law No. 2 of Montgomery County is the judge of the Probate Court  
15 No. 1 of Montgomery County. Unless otherwise removed, the judge  
16 serves until December 31, 2026, and until the judge's successor is  
17 elected and has qualified. In the 2026 general election and every  
18 four years following that election, the qualified voters of the  
19 county shall elect a judge of the Probate Court No. 1 of Montgomery  
20 County for a regular term of four years.

21           SECTION 2.015. (a) Effective October 1, 2023, Subchapter  
22 C, Chapter 25, Government Code, is amended by adding Section  
23 25.1723 to read as follows:

24           Sec. 25.1723. MONTGOMERY COUNTY PROBATE COURT PROVISIONS.

25           (a) In this section, "remote proceeding" means a proceeding before  
26 a court in which one or more of the participants, including a judge,  
27 party, attorney, witness, or other individual, attends the

1 proceeding remotely through the use of technology.

2 (b) A statutory probate court of Montgomery County has  
3 concurrent jurisdiction with the district court, regardless of the  
4 amount in controversy or the relief sought, in:

5 (1) disputes relating to the creation of a  
6 constructive trust;

7 (2) declaratory judgment actions;

8 (3) actions in which the only relief sought is a writ  
9 of injunction; and

10 (4) actions to appoint a receiver under any law,  
11 including Section 11.402, Business Organizations Code.

12 (c) A statutory probate court of Montgomery County has  
13 eminent domain jurisdiction, including the jurisdiction provided  
14 to a district court under Sections 21.002 and 21.003, Property  
15 Code, regardless of the amount in controversy or the remedy sought.  
16 All eminent domain actions, cases, matters, or proceedings arising  
17 under Chapter 21, Property Code, or under Section 251.101,  
18 Transportation Code, shall be filed and docketed in a statutory  
19 probate court.

20 (d) A statutory probate court of Montgomery County may  
21 conduct docket matters at any location in the county as the  
22 statutory probate court judge considers necessary for the  
23 protection of wards or mental health respondents or as otherwise  
24 provided by law.

25 (e) A judge of a statutory probate court in Montgomery  
26 County and a judge of a district court or statutory county court in  
27 Montgomery County may exchange benches and may sit and act for each



1 other in any matter pending before the court.

2 (f) The county clerk of Montgomery County serves as clerk of  
3 a statutory probate court.

4 (g) A statutory probate court of Montgomery County may  
5 appoint as a court investigator an employee of the court or another  
6 department in the county to comply with Section 25.0025.

7 (h) In addition to the uses authorized by Section 135.159,  
8 Local Government Code, Montgomery County may use the fees collected  
9 under Section 135.102, Local Government Code, and deposited into  
10 the judicial education and support fund to provide staff for the  
11 statutory probate courts and for court-related purposes for the  
12 support of the statutory probate courts.

13 (b) The judge of the County Court at Law No. 2 of Montgomery  
14 County shall transfer all active cases over which the court loses  
15 jurisdiction under this section and that are pending in the court on  
16 October 1, 2023, to a district court, county court at law, or county  
17 court in the county with jurisdiction over the case.

18 (c) The local administrative statutory county court judge  
19 shall transfer any active probate matter that is pending in a  
20 statutory county court in Montgomery County on October 1, 2023, to  
21 Probate Court No. 1 of Montgomery County.

22 (d) When a case is transferred as provided by Subsection (b)  
23 or (c) of this section, all processes, writs, bonds, recognizances,  
24 or other obligations issued from the transferring court are  
25 returnable to the court to which the case is transferred as if  
26 originally issued by that court. The obligees on all bonds and  
27 recognizances taken in and for a court from which a case is

1 transferred, and all witnesses summoned to appear in a court from  
2 which a case is transferred, are required to appear before the court  
3 to which a case is transferred as if originally required to appear  
4 before that court.

5 SECTION 2.016. (a) Sections 25.1892(a) and (e), Government  
6 Code, are amended to read as follows:

7 (a) In addition to the jurisdiction provided by Section  
8 25.0003 and other law, a county court at law in Polk County has  
9 concurrent ~~[civil]~~ jurisdiction with the district court in:

10 (1) cases and proceedings involving the collection of  
11 delinquent taxes, penalties, interest, and costs and the  
12 foreclosure of tax liens; ~~[and]~~

13 (2) family law cases and proceedings; and

14 (3) felony cases to conduct arraignments and pre-trial  
15 hearings and to accept guilty pleas.

16 (e) The district clerk serves as clerk of a county court at  
17 law in cases of concurrent jurisdiction with the district court  
18 ~~[enumerated in Subsection (a)(2)]~~, and the county clerk serves as  
19 clerk in all other cases. ~~[The district clerk shall establish a~~  
20 ~~separate docket for a county court at law.]~~

21 (b) Sections 25.1892(a) and (e), Government Code, as  
22 amended by this article, apply only to a case filed or proceeding  
23 commenced on or after September 1, 2023. A case filed or proceeding  
24 commenced before September 1, 2023, is governed by the law in effect  
25 on the date the case was filed or the proceeding was commenced, and  
26 the former law is continued in effect for that purpose.

27 SECTION 2.017. (a) Sections 25.2223(a), (i), (j), (j-2),

1 and (l), Government Code, are amended to read as follows:

2 (a) A county criminal court in Tarrant County has  
3 jurisdiction over all criminal matters and causes, original and  
4 appellate, prescribed by law for county courts, but does not have  
5 civil jurisdiction. In addition to the jurisdiction provided by  
6 Section 25.0003 and other law, a county criminal court in Tarrant  
7 County has concurrent original jurisdiction of criminal cases with  
8 a district court other than felony cases involving capital  
9 murder. The County Criminal Courts Nos. 9 [5] and 10 of Tarrant  
10 County also have concurrent jurisdiction within the county of all  
11 appeals from criminal convictions under the laws of this state and  
12 the municipal ordinances of the municipalities located in Tarrant  
13 County that are appealed from the justice courts and municipal  
14 courts in the county. [~~The County Criminal Courts Nos. 5, 7, 8, 9,~~  
15 ~~and 10 of Tarrant County also have concurrent jurisdiction with the~~  
16 ~~district court in felony cases to conduct arraignments, conduct~~  
17 ~~pretrial hearings, and accept guilty pleas.~~]

18 (i) The official court reporter of a county criminal court  
19 is entitled to the same fees and salary as a district court reporter  
20 and shall perform the same duties and take the oath of office as  
21 provided by law for district court reporters. [~~The official court~~  
22 ~~reporter for the County Criminal Court No. 1 or 3 of Tarrant County~~  
23 ~~is not required to take testimony in cases in which neither a party~~  
24 ~~nor the judge demands it.~~]

25 (j) At least two bailiffs shall be assigned regularly to  
26 each county criminal court in [~~the County Criminal Court No. 1 of~~  
27 ~~Tarrant County and the County Criminal Court No. 2 of]~~ Tarrant

1 County. Except as provided by Subsection (j-2), each judge [~~the~~  
2 ~~judges~~] of a county criminal court [~~the County Criminal Courts Nos.~~  
3 ~~1 and 2 of Tarrant County~~] shall [~~each~~] appoint one officer to act  
4 as bailiff of the judge's court, and the sheriff of Tarrant County  
5 shall appoint a bailiff for each court as prescribed by law. The  
6 bailiffs serve at the pleasure of the court and shall perform the  
7 duties required by the judge of the court to which the bailiffs are  
8 assigned.

9 (j-2) The judge of a county criminal court [~~listed in~~  
10 ~~Subsection (j) or (j-1)~~] may authorize the sheriff to appoint all  
11 bailiffs in the judge's court. If the sheriff is authorized by a  
12 judge to make the judge's appointment under this subsection, the  
13 sheriff shall appoint at least two officers to act as bailiffs for  
14 the judge's court. A bailiff appointed under this subsection  
15 serves at the pleasure of the court and shall perform the duties  
16 required by the judge of the court to which the bailiff is assigned.

17 (1) The County Criminal Courts Nos. [~~Court No.~~] 5 and 6 of  
18 Tarrant County [~~and the County Criminal Court No. 6 of Tarrant~~  
19 ~~County~~] shall give preference to cases brought under Title 5, Penal  
20 Code, involving family violence as defined by Section 71.004,  
21 Family Code, and cases brought under Sections 25.07, 25.072, and  
22 42.07(a)(2) [~~42.072~~], Penal Code.

23 (b) Sections 25.2223(b) and (j-1), Government Code, are  
24 repealed.

25 SECTION 2.018. (a) Effective October 1, 2023, Section  
26 25.2291(c), Government Code, is amended to read as follows:

27 (c) Travis County has the following [~~one~~] statutory probate

1 courts:

2           (1) [~~court, the~~] Probate Court No. 1 of Travis County;

3 and

4           (2) Probate Court No. 2 of Travis County.

5           (b) The Probate Court No. 2 of Travis County is created on  
6 October 1, 2023.

7           SECTION 2.019. (a) Effective October 1, 2023, Section  
8 [25.2293](#), Government Code, is amended by adding Subsections (d),  
9 (e), (h), and (k) to read as follows:

10           (d) Probate Court No. 2 of Travis County has primary  
11 responsibility for mental health matters.

12           (e) The county clerk shall docket:

13           (1) all mental health matters in Probate Court No. 2,  
14 notwithstanding the local rules adopted under Section [74.093](#);

15           (2) all odd-numbered probate, guardianship, and trust  
16 cases, and related cases, as defined by the local rules, in Probate  
17 Court No. 1; and

18           (3) all even-numbered probate, guardianship, and  
19 trust cases, and related cases, as defined by the local rules, in  
20 Probate Court No. 2.

21           (h) The county clerk shall appoint a deputy clerk for each  
22 statutory probate court. A deputy clerk serves at the pleasure of  
23 the judge of the court to which the deputy clerk is assigned. A  
24 deputy clerk must take the constitutional oath of office, and the  
25 county clerk may require the deputy clerk to furnish a bond in an  
26 amount, conditioned and payable, as required by law. A deputy clerk  
27 acts in the name of the county clerk and may perform any other

1 service required by the judge of a statutory probate court. A  
2 deputy clerk shall attend all sessions of the court to which the  
3 deputy clerk is assigned.

4 (k) In case of the absence, disqualification, or incapacity  
5 of a judge of a statutory probate court of Travis County, or for any  
6 other reason, the judges of the statutory probate courts of Travis  
7 County may sit and act for each other in any matter or proceeding  
8 pending in either court.

9 (b) Effective October 1, 2023, Section 25.2293(m),  
10 Government Code, is repealed.

11 SECTION 2.020. (a) Section 25.2391, Government Code, is  
12 amended to read as follows:

13 Sec. 25.2391. WALLER COUNTY. (a) Waller County has the  
14 following [one] statutory county courts:

15 (1) [court, the] County Court at Law No. 1 of Waller  
16 County; and

17 (2) County Court at Law No. 2 of Waller County.

18 (b) The county courts at law [County Court at Law] of Waller  
19 County sit [sits] in Hempstead.

20 (b) On September 1, 2023, the County Court at Law of Waller  
21 County is redesignated County Court at Law No. 1 of Waller County.

22 (c) The judge of the County Court at Law of Waller County is  
23 the judge of County Court at Law No. 1 of Waller County.

24 (d) This section does not affect the term of office of a  
25 judge of a court redesignated by this section. The judge, unless  
26 otherwise removed as provided by law, continues to serve for the  
27 term for which the judge was elected.

1 (e) The County Court at Law No. 2 of Waller County is created  
2 on September 1, 2023.

3 SECTION 2.021. Section 25.2392, Government Code, is amended  
4 by adding Subsection (b) and amending Subsection (g) to read as  
5 follows:

6 (b) County Court at Law No. 2 has the jurisdiction provided  
7 by the constitution and by general law for district courts,  
8 including jurisdiction in felony criminal cases.

9 (g) The district clerk serves as clerk of a county court at  
10 law in family law cases and proceedings and as clerk of County Court  
11 at Law No. 2 in cases and proceedings in which the court has  
12 concurrent jurisdiction with the district courts as provided by the  
13 constitution and general law, including jurisdiction in felony  
14 criminal cases. The~~, and the~~ county clerk serves as clerk of a  
15 county ~~the~~ court at law in all other cases and proceedings. The  
16 commissioners court may employ as many deputy sheriffs and bailiffs  
17 as are necessary to serve the court.

18 SECTION 2.022. (a) Subchapter C, Chapter 25, Government  
19 Code, is amended by adding Section 25.2491 to read as follows:

20 Sec. 25.2491. WILSON COUNTY. Wilson County has one  
21 statutory county court, the County Court at Law of Wilson County.

22 (b) The county Court at Law of Wilson County is created on  
23 September 1, 2023.

24 SECTION 2.023. Section 25.2607(d), Government Code, is  
25 amended to read as follows:

26 (d) Notwithstanding Section 25.0015, the state shall  
27 annually compensate the administrative county of a multicounty

1 statutory county court for the salary of the judge of the  
2 multicounty statutory county court in an amount equal to 100  
3 percent of the state ~~base~~ salary paid to a district judge with  
4 comparable years of service as the multicounty statutory county  
5 court judge, as set by the General Appropriations Act in accordance  
6 with Section 659.012 [~~659.012(a)~~]. For purposes of this subsection,  
7 the years of service of a multicounty statutory county court judge  
8 include any years of service as:

9           (1) an appellate court, district court, statutory  
10 county court, or statutory probate court justice or judge; or

11           (2) a district attorney, criminal district attorney,  
12 or county attorney.

13           SECTION 2.024. (a) Subchapter F, Chapter 25, Government  
14 Code, is amended by adding Sections 25.2703 and 25.2704 to read as  
15 follows:

16           Sec. 25.2703. 2ND MULTICOUNTY COURT AT LAW (BEE, LIVE OAK,  
17 AND MCMULLEN COUNTIES). Bee, Live Oak, and McMullen Counties have a  
18 multicounty statutory county court composed of those counties, the  
19 2nd Multicounty Court at Law.

20           Sec. 25.2704. 2ND MULTICOUNTY COURT AT LAW PROVISIONS. (a)  
21 In addition to the jurisdiction provided by Section 25.0003 and  
22 other law, the 2nd Multicounty Court at Law has concurrent  
23 jurisdiction with the district courts, except in civil cases in  
24 which the matter in controversy exceeds the amount provided by  
25 Section 25.0003(c)(1).

26           (b) Bee County is the administrative county for the 2nd  
27 Multicounty Court at Law.



1           (c) Bee, Live Oak, and McMullen Counties shall enter into an  
2 interlocal agreement allocating the financial obligations of each  
3 county in relation to the county court at law and the budget,  
4 powers, and duties of the court and salaries of court personnel.

5           (d) If the counties served by the county court at law are  
6 unable to reach an agreement under Subsection (c) before the first  
7 day of the fiscal year for a county served by the court, each county  
8 shall pay to the court's administrative county a share of the  
9 court's administrative and operational costs for the fiscal year  
10 based on the proportion of the court's caseload originating in the  
11 county during the preceding year. A county is entitled to  
12 compensation from the state under Section 25.0015 in proportion to  
13 the amount paid under this subsection.

14           (e) The district clerk serves as clerk of the county court  
15 at law in matters of concurrent jurisdiction with the district  
16 court, and the county clerk serves as clerk of the county court at  
17 law in all other cases.

18           (f) Sections 25.0006, 25.0008, and 74.054(b) do not apply to  
19 the county court at law.

20           (g) Notwithstanding Section 74.121(b)(1), in matters of  
21 concurrent jurisdiction, the judge of the 2nd Multicounty Court at  
22 Law and the judges of the district courts in Bee, Live Oak, and  
23 McMullen Counties may exchange benches and courtrooms and may  
24 transfer cases between their dockets in the same manner that judges  
25 of district courts exchange benches and courtrooms and transfer  
26 cases under Section 24.003.

27           (b) The 2nd Multicounty Court at Law is created on September

1 1, 2023.

2 ARTICLE 3. JUSTICE COURTS AND CONSTITUTIONAL COUNTY COURTS

3 SECTION 3.001. Article 49.05(b), Code of Criminal  
4 Procedure, is amended to read as follows:

5 (b) A justice of the peace may conduct an inquest:

6 (1) at the place where the death occurred;

7 (2) where the body was found; ~~or~~

8 (3) by videoconference with an individual who is:

9 (A) designated by the justice of the peace; and

10 (B) present with the body for a death described  
11 by Article 49.04(a)(6) or (7); or

12 (4) at any other place determined to be reasonable by  
13 the justice.

14 SECTION 3.002. Section 26.315, Government Code, is amended  
15 to read as follows:

16 Sec. 26.315. STEPHENS COUNTY. (a) In addition to other  
17 jurisdiction provided by law, the [The] County Court of Stephens  
18 County has original concurrent jurisdiction with the justice courts  
19 in all civil matters in which the justice courts have jurisdiction  
20 under general law [the general jurisdiction of a probate court and  
21 juvenile jurisdiction as provided by Section 26.042(b) but has no  
22 other criminal or civil jurisdiction].

23 (b) The district clerk shall maintain the records of the  
24 County Court of Stephens County.

25 SECTION 3.003. (a) Section 92.0563(e), Property Code, is  
26 amended to read as follows:

27 (e) A justice court may not award a judgment under this

1 section, including an order of repair, that exceeds \$20,000  
2 [~~\$10,000~~], excluding interest and costs of court.

3 (b) Section 92.0563(e), Property Code, as amended by this  
4 section, applies only to a cause of action that accrues on or after  
5 September 1, 2023. A cause of action that accrues before that date  
6 is governed by the law in effect immediately before that date, and  
7 that law is continued in effect for that purpose.

8 ARTICLE 4. CRIMINAL LAW MAGISTRATES

9 SECTION 4.001. Article 2.09, Code of Criminal Procedure, is  
10 amended to read as follows:

11 Art. 2.09. WHO ARE MAGISTRATES. Each of the following  
12 officers is a magistrate within the meaning of this Code: The  
13 justices of the Supreme Court, the judges of the Court of Criminal  
14 Appeals, the justices of the Courts of Appeals, the judges of the  
15 District Court, the magistrates appointed by the judges of the  
16 district courts of Bexar County, Dallas County, or Tarrant County  
17 that give preference to criminal cases, the criminal law hearing  
18 officers for Harris County appointed under Subchapter L, Chapter  
19 54, Government Code, the criminal law hearing officers for Cameron  
20 County appointed under Subchapter BB, Chapter 54, Government Code,  
21 the magistrates or associate judges appointed by the judges of the  
22 district courts of Lubbock County, Nolan County, or Webb County,  
23 the magistrates appointed by the judges of the criminal district  
24 courts of Dallas County or Tarrant County, the associate judges  
25 appointed by the judges of the district courts and the county courts  
26 at law that give preference to criminal cases in Jefferson County,  
27 the magistrates appointed by the judges of the district courts and

1 statutory county courts in Denton County, the magistrates appointed  
2 by the judges of the district courts and statutory county courts in  
3 Grayson County, the associate judges appointed by the judges of the  
4 district courts and the statutory county courts of Brazos County,  
5 Nueces County, or Williamson County, the magistrates appointed by  
6 the judges of the district courts and statutory county courts that  
7 give preference to criminal cases in Travis County, the criminal  
8 magistrates appointed by the Brazoria County Commissioners Court,  
9 the criminal magistrates appointed by the Burnet County  
10 Commissioners Court, the magistrates appointed by the El Paso  
11 Council of Judges, the county judges, the judges of the county  
12 courts at law, judges of the county criminal courts, the judges of  
13 statutory probate courts, the associate judges appointed by the  
14 judges of the statutory probate courts under Chapter 54A,  
15 Government Code, the associate judges appointed by the judge of a  
16 district court under Chapter 54A, Government Code, the magistrates  
17 appointed under Subchapter JJ, Chapter 54, Government Code, the  
18 magistrates appointed by the Collin County Commissioners Court, the  
19 magistrates appointed by the Fort Bend County Commissioners Court,  
20 the justices of the peace, and the mayors and recorders and the  
21 judges of the municipal courts of incorporated cities or towns.

22 SECTION 4.002. Article 4.01, Code of Criminal Procedure, is  
23 amended to read as follows:

24 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The  
25 following courts have jurisdiction in criminal actions:

- 26 1. The Court of Criminal Appeals;
- 27 2. Courts of appeals;

- 1           3. The district courts;
- 2           4. The criminal district courts;
- 3           5. The magistrates appointed by the judges of the
- 4 district courts of Bexar County, Dallas County, Tarrant County, or
- 5 Travis County that give preference to criminal cases and the
- 6 magistrates appointed by the judges of the criminal district courts
- 7 of Dallas County or Tarrant County;
- 8           6. The county courts;
- 9           7. All county courts at law with criminal
- 10 jurisdiction;
- 11           8. County criminal courts;
- 12           9. Justice courts;
- 13           10. Municipal courts;
- 14           11. The magistrates appointed by the judges of the
- 15 district courts of Lubbock County;
- 16           12. The magistrates appointed by the El Paso Council
- 17 of Judges;
- 18           13. The magistrates appointed by the Collin County
- 19 Commissioners Court;
- 20           14. The magistrates appointed by the Brazoria County
- 21 Commissioners Court or the local administrative judge for Brazoria
- 22 County; ~~and~~
- 23           15. The magistrates appointed by the judges of the
- 24 district courts of Tom Green County;
- 25           16. The magistrates appointed by the judges of the
- 26 district and statutory county courts of Denton County; and
- 27           17. The magistrates appointed by the judges of the

1 district and statutory county courts of Grayson County.

2 SECTION 4.003. Section 54.2001(b), Government Code, is  
3 amended to read as follows:

4 (b) The judges of the district and statutory county courts  
5 in Guadalupe County by majority [~~a unanimous~~] vote may appoint  
6 magistrates as authorized by the Commissioners Court of Guadalupe  
7 County.

8 SECTION 4.004. Section 54.2502(c), Government Code, is  
9 amended to read as follows:

10 (c) A judge of the criminal law magistrate court is entitled  
11 to the salary set by the commissioners court. The salary may not be  
12 less than the annual base salary paid to a district judge under  
13 Section 659.012(a)(1) and must include compensation for services  
14 performed on behalf of Brazoria County [~~Chapter 659~~].

15 SECTION 4.005. Chapter 54, Government Code, is amended by  
16 adding Subchapter RR to read as follows:

17 SUBCHAPTER RR. GRAYSON COUNTY CRIMINAL MAGISTRATES

18 Sec. 54.2701. AUTHORIZATION; APPOINTMENT; ELIMINATION.

19 (a) The Commissioners Court of Grayson County may authorize the  
20 judges of the district and statutory county courts in Grayson  
21 County to appoint one or more part-time or full-time magistrates to  
22 perform the duties authorized by this subchapter.

23 (b) The judges of the district and statutory county courts  
24 in Grayson County by a unanimous vote may appoint magistrates as  
25 authorized by the Commissioners Court of Grayson County.

26 (c) An order appointing a magistrate must be signed by the  
27 local presiding judge of the district courts serving Grayson

1 County, and the order must state:

2 (1) the magistrate's name; and

3 (2) the date the magistrate's employment is to begin.

4 (d) An authorized magistrate's position may be eliminated  
5 on a majority vote of the Commissioners Court of Grayson County.

6 Sec. 54.2702. QUALIFICATIONS; OATH OF OFFICE. (a) To be  
7 eligible for appointment as a magistrate, a person must be a  
8 resident of this state and:

9 (1) have served as a justice of the peace or municipal  
10 court judge for at least four years before the date of appointment;  
11 or

12 (2) have been licensed to practice law in this state  
13 for at least four years before the date of appointment.

14 (b) A magistrate appointed under Section 54.2701 must take  
15 the constitutional oath of office required of appointed officers of  
16 this state.

17 Sec. 54.2703. COMPENSATION. A magistrate is entitled to  
18 the salary determined by the Commissioners Court of Grayson County.

19 Sec. 54.2704. JURISDICTION. A magistrate has concurrent  
20 criminal jurisdiction with the judges of the justice of the peace  
21 courts of Grayson County.

22 Sec. 54.2705. POWERS AND DUTIES. (a) The Commissioners  
23 Court of Grayson County shall establish the powers and duties of a  
24 magistrate appointed under this subchapter. Except as otherwise  
25 provided by the commissioners court, a magistrate has the powers of  
26 a magistrate under the Code of Criminal Procedure and other laws of  
27 this state and may administer an oath for any purpose.

1       (b) A magistrate shall give preference to performing the  
2 duties of a magistrate under Article 15.17, Code of Criminal  
3 Procedure.

4       (c) The commissioners court may designate one or more  
5 magistrates to hold regular hearings to:

6             (1) give admonishments;

7             (2) set and review bail and conditions of release;

8             (3) appoint legal counsel; and

9             (4) determine other routine matters relating to  
10 preindictment or pending cases within those courts' jurisdiction.

11       (d) In the hearings described by Subsection (c), a  
12 magistrate shall give preference to the case of an individual held  
13 in county jail.

14       (e) A magistrate may inquire into a defendant's intended  
15 plea to the charge and set the case for an appropriate hearing  
16 before a judge or master.

17       Sec. 54.2706. JUDICIAL IMMUNITY. A magistrate has the same  
18 judicial immunity as a district judge.

19       Sec. 54.2707. WITNESSES. (a) A witness who is sworn and  
20 who appears before a magistrate is subject to the penalties for  
21 perjury and aggravated perjury provided by law.

22       (b) A referring court may fine or imprison a witness or  
23 other court participant for failure to appear after being summoned,  
24 refusal to answer questions, or other acts of direct contempt  
25 before a magistrate.

26       SECTION 4.006. Chapter 54, Government Code, is amended by  
27 adding Subchapter SS to read as follows:



1        SUBCHAPTER SS. DENTON COUNTY CRIMINAL LAW MAGISTRATE COURT

2        Sec. 54.2801. CREATION. The Denton County Criminal Law  
3 Magistrate Court is a court with the jurisdiction provided by this  
4 subchapter.

5        Sec. 54.2802. APPOINTMENT; OVERSIGHT. (a) The district  
6 court judges with jurisdiction in Denton County and the judges of  
7 the criminal statutory county courts of Denton County shall appoint  
8 one or more judges to preside over the criminal law magistrate  
9 court. An appointed judge must:

10            (1) serve Denton County as a district court judge, a  
11 criminal statutory county court judge, an associate judge of a  
12 court with criminal jurisdiction, a magistrate, including a jail  
13 magistrate, a judge of a municipal court of record, or a justice of  
14 the peace;

15            (2) be a licensed attorney in good standing with the  
16 State Bar of Texas;

17            (3) be authorized to access criminal history records  
18 under state and federal law;

19            (4) have completed training necessary to serve as a  
20 magistrate in Denton County, as determined by the district court  
21 judges with jurisdiction in Denton County and the judges of the  
22 criminal statutory county courts of Denton County; and

23            (5) meet the qualifications under Section 54.2807.

24        (b) The district court judges with jurisdiction in Denton  
25 County and the judges of the criminal statutory county courts of  
26 Denton County shall:

27            (1) designate to oversee the criminal law magistrate

1 court either:

2 (A) one district court judge and one criminal  
3 statutory county court judge; or

4 (B) a criminal law magistrate court associate  
5 judge appointed under Section 54.2805; and

6 (2) supervise the magistrate court to ensure the  
7 magistrates appointed give preference to duties under Chapters 14,  
8 15, 16, 17, and 18, Code of Criminal Procedure.

9 (c) The magistrates of the criminal law magistrate court  
10 shall comply with the standing orders and directives regarding  
11 criminal cases of the district court judges with jurisdiction in  
12 Denton County and the judges of the criminal statutory county  
13 courts of Denton County, including a presiding criminal judge of  
14 Denton County.

15 Sec. 54.2803. JURISDICTION. (a) Except as provided by  
16 Subsection (b), the criminal law magistrate court has the criminal  
17 jurisdiction provided for magistrates by the constitution and laws  
18 of this state in all criminal cases:

19 (1) alleging an offense other than an offense  
20 punishable only as a Class C misdemeanor;

21 (2) for which a magistrate or judge has determined  
22 there is probable cause to believe the defendant committed the  
23 crime alleged;

24 (3) in which the defendant has been released or is  
25 confined in the Denton County jail; and

26 (4) in which either:

27 (A) the defendant has not yet been charged by

1 information or indictment; or

2 (B) the judge presiding over the case has  
3 specifically authorized the criminal law magistrate to take certain  
4 actions.

5 (b) The criminal law magistrate court and the criminal law  
6 magistrate court associate judge do not have jurisdiction to:

7 (1) hear a trial on the merits of an offense, except as  
8 provided by Section 54.2811(c); or

9 (2) take any action not specifically authorized by an  
10 order of referral from the judge presiding in a criminal case in  
11 which the defendant has been charged by information or indictment.

12 (c) The magisterial duties in a criminal case shall be  
13 transferred to the criminal law magistrate court:

14 (1) on request of a presiding judge in a criminal case  
15 for which the defendant has been charged by information or  
16 indictment; or

17 (2) after a defendant has been transferred to the  
18 custody of the Denton County jail or released from custody on bond  
19 in Denton County.

20 Sec. 54.2804. POWERS AND DUTIES. The criminal law  
21 magistrate court may:

22 (1) determine probable cause for purposes of an arrest  
23 or search;

24 (2) issue an order of commitment, a warrant of arrest,  
25 or an order of protection;

26 (3) perform the duty of a magistrate under Chapters  
27 14, 15, 16, 17, and 18, Code of Criminal Procedure;

1           (4) reduce or modify a bond, find a bond ordered by  
2 another judge or magistrate to be insufficient, or require  
3 conditions of a bond;

4           (5) hear any motion filed in a case over which the  
5 court has jurisdiction;

6           (6) administer oaths; and

7           (7) perform an action on a proceeding referred to the  
8 magistrate under Section 54.2811.

9           Sec. 54.2805. CRIMINAL LAW MAGISTRATE COURT ASSOCIATE  
10 JUDGE. The district court judges with jurisdiction in Denton  
11 County and the judges of the criminal statutory county courts of  
12 Denton County may, with the approval of the Commissioners Court of  
13 Denton County and two-thirds of the district court and criminal  
14 statutory county court judges, appoint a district or criminal  
15 statutory county court judge qualified under Section 54.2807 as the  
16 criminal law magistrate court associate judge to:

17           (1) serve the district and criminal county courts of  
18 Denton County;

19           (2) oversee the criminal law magistrate court; and

20           (3) recommend for appointment full-time and part-time  
21 jail magistrates.

22           Sec. 54.2806. JAIL MAGISTRATE. (a) The district court  
23 judges with jurisdiction in Denton County and the judges of the  
24 criminal statutory county courts of Denton County may, with the  
25 approval of the Commissioners Court of Denton County, appoint by  
26 joint standing order one or more full-time jail magistrates  
27 qualified to serve under Section 54.2807.

1       (b) A jail magistrate has the jurisdiction provided by the  
2 constitution and laws of this state for magistrates for criminal  
3 cases in which the defendant is in the custody of Denton County jail  
4 and has not yet been charged with a criminal offense by complaint,  
5 information, or indictment.

6       (c) A jail magistrate shall ensure timely compliance with  
7 Article 15.17, Code of Criminal Procedure, in all cases within the  
8 magistrate's jurisdiction, give preference to performing the  
9 duties of a magistrate under that article, and perform the  
10 following duties:

11               (1) consider sworn complaints or affidavits  
12 establishing probable cause and entering orders of release or  
13 commitment;

14               (2) conduct hearings under Article 15.17, Code of  
15 Criminal Procedure, provide warnings, and advise a defendant of the  
16 defendant's right to counsel;

17               (3) determine if a defendant is indigent and in need of  
18 appointed counsel;

19               (4) set, adjust, or revoke a bond;

20               (5) set the conditions of bond;

21               (6) conduct an examining trial;

22               (7) issue search and arrest warrants;

23               (8) issue magistrate's orders of emergency protection;

24 and

25               (9) with the express authorization of a justice of the  
26 peace, exercise concurrent criminal jurisdiction with the justice  
27 of the peace to dispose as provided by law of cases filed in the

1 precinct of the authorizing justice of the peace, except for a trial  
2 on the merits following a plea of not guilty.

3 (d) A jail magistrate may be assigned additional duties by  
4 the criminal law magistrate court associate judge appointed under  
5 Section 54.2805.

6 (e) A jail magistrate has the express authority and duty to:

7 (1) order the release of defendant due to an  
8 extraordinary medical condition;

9 (2) consider information and make inquiries regarding  
10 a defendant's mental health;

11 (3) issue orders or writs as necessary for the  
12 evaluation, treatment, and accommodation of a defendant's mental  
13 health issue; and

14 (4) communicate with the Denton County local mental  
15 health authority or another qualified mental health professional to  
16 provide continuing care to a defendant.

17 (f) In addition to the full-time jail magistrates appointed  
18 under Subsection (a), the district court judges with jurisdiction  
19 in Denton County and the judges of the criminal statutory county  
20 courts of Denton County may appoint or engage by joint standing  
21 order one or more part-time jail magistrates to serve as a jail  
22 magistrate as assigned. A part-time jail magistrate must be  
23 qualified to serve as a magistrate in the county under Section  
24 54.2807 and be a sitting district, statutory county, or municipal  
25 court judge or a justice of the peace in Denton County.

26 Sec. 54.2807. QUALIFICATIONS. To be eligible for  
27 appointment as the criminal law magistrate court associate judge, a

1 jail magistrate, or another magistrate in the criminal law  
2 magistrate court, a person must:

3 (1) have been a resident of Denton County for at least  
4 two years preceding the person's appointment; and

5 (2) have been licensed to practice law in this state  
6 for at least four years.

7 Sec. 54.2808. COMPENSATION. A criminal law magistrate  
8 court associate judge, a jail magistrate, and each other magistrate  
9 in the criminal law magistrate court shall be paid a total annual  
10 salary set by the Commissioners Court of Denton County. The salary  
11 shall be paid in a manner and from a fund determined by the  
12 commissioners court.

13 Sec. 54.2809. JUDICIAL IMMUNITY. A criminal law magistrate  
14 court associate judge, a jail magistrate, and each other magistrate  
15 in the criminal law magistrate court has the same judicial immunity  
16 as a district judge.

17 Sec. 54.2810. TERMINATION OF SERVICES. (a) Except as  
18 provided by Subsection (b), a criminal law magistrate court  
19 associate judge, a jail magistrate, and each other magistrate in  
20 the criminal law magistrate court may be terminated by a two-thirds  
21 vote of the district court judges with jurisdiction in Denton  
22 County and the judges of the criminal statutory county courts of  
23 Denton County.

24 (b) A part-time jail magistrate serves solely at the  
25 discretion of a criminal law magistrate court associate judge  
26 appointed under Section 54.2805 or of the district court judge and  
27 criminal statutory county court judge designated to oversee the

1 criminal law magistrate court under Section 54.2802(b).  
2 Sec. 54.2811. PROCEEDING THAT MAY BE REFERRED. (a) A  
3 district court judge with jurisdiction in Denton County, the judge  
4 of a criminal statutory county court of Denton County, or the judge  
5 of the juvenile court of Denton County may refer to the criminal law  
6 magistrate court the following matters in a criminal case:  
7 (1) a negotiated plea of guilty or no contest before  
8 the court;  
9 (2) a bond forfeiture, remittitur, and related  
10 proceedings;  
11 (3) a pretrial motion;  
12 (4) a writ of habeas corpus;  
13 (5) an examining trial;  
14 (6) jury selection;  
15 (7) an occupational driver's license;  
16 (8) a waiver of extradition or a related matter under  
17 Chapter 51, Code of Criminal Procedure;  
18 (9) the issuance of search warrants, including a  
19 search warrant under Article 18.02(a)(10), Code of Criminal  
20 Procedure, notwithstanding Article 18.01(c), Code of Criminal  
21 Procedure;  
22 (10) a petition for an order of expunction under  
23 Chapter 55, Code of Criminal Procedure;  
24 (11) an asset forfeiture hearing as provided by  
25 Chapter 59, Code of Criminal Procedure;  
26 (12) a civil commitment matter under Subtitle C, Title  
27 7, Health and Safety Code;



- 1           (13) setting, adjusting, or revoking bond;  
2           (14) the conduct of initial juvenile detention  
3 hearings or any other matter in a juvenile case if referred by the  
4 judge of the juvenile court of the county and approved by the Denton  
5 County Juvenile Board; and  
6           (15) any other matter the judge considers necessary  
7 and proper.  
8           (b) Except as limited by an order of referral, the criminal  
9 law magistrate court associate judge may:  
10           (1) conduct a hearing;  
11           (2) hear evidence;  
12           (3) compel production of relevant evidence;  
13           (4) rule on the admissibility of evidence;  
14           (5) issue a summons for the appearance of witnesses;  
15           (6) examine a witness;  
16           (7) swear a witness for a hearing;  
17           (8) make findings of fact on evidence;  
18           (9) formulate conclusions of law;  
19           (10) rule on pretrial motions;  
20           (11) recommend the rulings, orders, or judgment to be  
21 made in a case;  
22           (12) regulate proceedings in a hearing before the  
23 associate judge;  
24           (13) accept a negotiated plea of guilty or no contest  
25 made before the court and:  
26           (A) enter a finding of guilty and impose or  
27 suspend the sentence; or

- 1                   (B) defer adjudication of guilt;  
2                   (14) select a jury;  
3                   (15) accept a negotiated plea in a probation  
4 revocation;  
5                   (16) conduct a contested probation revocation  
6 hearing;  
7                   (17) sign a dismissal in a misdemeanor case; and  
8                   (18) perform any act and take any measure necessary  
9 and proper for the efficient performance of the duties required by  
10 the order of referral.
- 11           (c) Notwithstanding Section 54.2803(b), the judge of the  
12 juvenile court of Denton County may refer to the criminal law  
13 magistrate court associate judge any proceeding over which the  
14 juvenile court has exclusive original jurisdiction under Title 3,  
15 Family Code, including any matter ancillary to that proceeding.  
16 The criminal law magistrate court associate judge may accept a plea  
17 of guilty for a misdemeanor or felony or a plea of true from a  
18 defendant or juvenile, regardless of the classification of the  
19 offense charged or the conduct alleged.
- 20           (d) The criminal law magistrate court associate judge may  
21 sign a motion to dismiss submitted by an attorney representing the  
22 state on cases referred to the judge, or on dockets called by the  
23 judge, and may consider unadjudicated cases at sentencing under  
24 Section 12.45, Penal Code.
- 25           (e) A criminal law magistrate, including the criminal law  
26 magistrate court associate judge, has all of the powers of a  
27 magistrate under the laws of this state and may administer an oath

1 for any purpose.

2 Sec. 54.2812. ORDER OF REFERRAL. (a) To refer one or more  
3 cases to the criminal law magistrate court or the criminal law  
4 magistrate court associate judge, a judge must issue a written  
5 order of referral that specifies the magistrate court's duties.

6 (b) An order of referral may:

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

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

11 (3) prescribe a closing date for the hearing;

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

14 (5) designate proceedings for more than one case over  
15 which the magistrate shall preside;

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

17 and

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

20 Sec. 54.2813. FORFEITURES. Bail bonds and personal bonds  
21 may be forfeited by the criminal law magistrate court or the  
22 criminal law magistrate court associate judge in the manner  
23 provided by Chapter 22, Code of Criminal Procedure, and those  
24 forfeitures shall be filed with:

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

27 (2) the county clerk if associated with a Class A or

1 Class B misdemeanor case; or

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

4 Sec. 54.2814. PAPERS TRANSMITTED TO JUDGE. At the  
5 conclusion of the proceedings, a magistrate or the criminal law  
6 magistrate court associate judge shall transmit to the referring  
7 court any papers relating to the case, including the magistrate's  
8 findings, conclusions, orders, recommendations, or other action  
9 taken.

10 Sec. 54.2815. JUDICIAL ACTION. (a) A referring court may  
11 modify, correct, reject, reverse, or recommit for further  
12 information any action taken by the magistrate or the criminal law  
13 magistrate court associate judge.

14 (b) If the referring court does not modify, correct, reject,  
15 reverse, or recommit an action of the magistrate or the criminal law  
16 magistrate court associate judge, the action becomes the decree of  
17 the referring court.

18 Sec. 54.2816. EXCHANGE OF BENCHES. (a) The judges of the  
19 criminal law magistrate court may exchange benches and may sit and  
20 act for each other in any proceeding pending in the criminal law  
21 magistrate court.

22 (b) When conducting a capias pro fine hearing for any court,  
23 the criminal law magistrate court acts in the same capacity and with  
24 the same authority as the judge who issued the capias pro fine.

25 Sec. 54.2817. COURT REPORTER. At the request of a party in  
26 a criminal case, the criminal law magistrate court shall provide a  
27 court reporter to record the proceedings before the magistrate.

1       Sec. 54.2818. WITNESS. (a) A witness who appears before  
2 the criminal law magistrate court and is sworn is subject to the  
3 penalties for perjury provided by law.

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

8       Sec. 54.2819. CLERK. (a) The district clerk serves as  
9 clerk of the criminal law magistrate court, except that after a  
10 Class A or Class B misdemeanor is filed in the county court at law  
11 and assigned to the magistrate court, the county clerk serves as  
12 clerk for that misdemeanor case.

13       (b) The district clerk shall establish a docket and keep the  
14 minutes for the cases filed in or transferred to the magistrate  
15 court. The district clerk shall perform any other duties that local  
16 administrative rules require in connection with the implementation  
17 of this subchapter. The local administrative judge shall ensure  
18 that the duties required under this subsection are performed. To  
19 facilitate the duties associated with serving as the clerk of the  
20 magistrate court, the district clerk and the deputies of the  
21 district clerk may serve as deputy county clerks at the discretion  
22 of the district clerk.

23       (c) The clerk of the case shall include as part of the record  
24 on appeal a copy of the order and local administrative rule under  
25 which a magistrate court acted.

26       Sec. 54.2820. COSTS. (a) When the district clerk is the  
27 clerk under this subchapter, the district clerk shall charge the

1 same court costs for cases filed in, transferred to, or assigned to  
2 the criminal law magistrate court that are charged in the district  
3 courts.

4 (b) When the county clerk is the clerk under this  
5 subchapter, the county clerk shall charge the same court costs for  
6 cases filed in, transferred to, or assigned to the magistrate court  
7 that are charged in the county courts.

8 SECTION 4.007. Section 54.651, Government Code, is amended  
9 by adding Subsection (d) to read as follows:

10 (d) A magistrate appointed under this subchapter may not  
11 engage in the private practice of law, as defined by Section 81.101,  
12 in Tarrant County.

13 SECTION 4.008. Section 54.656(a), Government Code, is  
14 amended to read as follows:

15 (a) A judge may refer to a magistrate any criminal case or  
16 matter relating to a criminal case for proceedings involving:

17 (1) a negotiated plea of guilty or nolo contendere [~~no~~  
18 ~~contest~~] and sentencing before the court;

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

21 (3) a pretrial motion;

22 (4) a writ of habeas corpus;

23 (5) an examining trial;

24 (6) an occupational driver's license;

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

27 (8) an asset forfeiture hearing as provided by Chapter

1 59, Code of Criminal Procedure;

2 (9) a petition for an order of nondisclosure of  
3 criminal history record information or an order of nondisclosure of  
4 criminal history record information that does not require a  
5 petition provided by Subchapter E-1, Chapter 411;

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

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

10 (12) specialty court proceedings;

11 (13) a waiver of extradition; and

12 (14) any other matter the referring judge considers  
13 necessary and proper.

14 SECTION 4.009. Subchapter H, Chapter 54, Government Code,  
15 is amended by adding Section 54.6585 to read as follows:

16 Sec. 54.6585. CLERK. (a) The district clerk serves as  
17 clerk of the cases referred to a magistrate under this subchapter,  
18 except:

19 (1) the county clerk serves as clerk for a Class A or  
20 Class B misdemeanor case filed in a county criminal court and  
21 referred to a magistrate; and

22 (2) the originating justice court clerk serves as  
23 clerk for a Class C misdemeanor case filed in a justice court and  
24 referred to a magistrate.

25 (b) The district clerk shall establish a docket and keep the  
26 minutes for the cases referred to a magistrate under this  
27 subchapter. To facilitate the duties associated with serving as

1 the clerk for the cases referred to a magistrate, the district clerk  
2 and deputy district clerks may serve as deputy county clerks and  
3 deputy justice clerks at the discretion of the district clerk.

4 ARTICLE 5. ASSOCIATE JUDGES AND VISITING JUDGES

5 SECTION 5.001. (a) Sections 201.005(a) and (d), Family  
6 Code, are amended to read as follows:

7 (a) Except as provided by this section, a judge of a court  
8 may refer to an associate judge any aspect of a suit or action,  
9 including any matter ancillary to the suit or action, over which the  
10 court has jurisdiction under:

11 (1) this title;

12 (2) [~~7~~] Title 1;

13 (3) [~~7~~] Chapter 35, 35A, or 45;

14 (4) [~~7 or~~] Title 4;

15 (5) Subchapter A, Chapter 7B, Code of Criminal  
16 Procedure; or

17 (6) Chapter 24A, Property Code [~~7, including any matter~~  
18 ~~ancillary to the suit~~].

19 (d) The requirements of Subsections (b) and (c) shall apply  
20 whenever a judge has authority to refer the trial of a suit or  
21 action described by Subsection (a) [~~under this title, Title 1,~~  
22 ~~Chapter 45, or Title 4~~] to an associate judge, master, or other  
23 assistant judge regardless of whether the assistant judge is  
24 appointed under this subchapter.

25 (b) Sections 201.005(a) and (d), Family Code, as amended by  
26 this section, apply only to a suit or application filed on or after  
27 September 1, 2023. A suit or application filed before September 1,



1 2023, is governed by the law in effect on the date the suit or  
2 application was filed, and the former law is continued in effect for  
3 that purpose.

4 SECTION 5.002. Section 201.105(a), Family Code, is amended  
5 to read as follows:

6 (a) An associate judge appointed under this subchapter is  
7 entitled to a salary in the amount equal to 90 percent of the annual  
8 ~~[state base]~~ salary paid to a district judge with comparable years  
9 of service as the associate judge as set by the General  
10 Appropriations Act in accordance with Section 659.012  
11 ~~[659.012(a)]~~, Government Code.

12 SECTION 5.003. Section 201.113, Family Code, is amended to  
13 read as follows:

14 Sec. 201.113. VISITING ASSOCIATE JUDGE. (a) The ~~[If an~~  
15 ~~associate judge appointed under this subchapter is temporarily~~  
16 ~~unable to perform the associate judge's official duties because of~~  
17 ~~absence resulting from family circumstances, illness, injury,~~  
18 ~~disability, or military service, or if there is a vacancy in the~~  
19 ~~position of associate judge, the]~~ presiding judge of an ~~[the]~~  
20 administrative judicial region ~~[in which the associate judge serves~~  
21 ~~or the vacancy occurs]~~ may assign ~~[appoint]~~ a visiting associate  
22 judge for Title IV-D cases to perform the duties of an ~~[the]~~  
23 associate judge appointed under this subchapter only if:

24 (1) the associate judge is temporarily unable to  
25 perform the associate judge's official duties because of absence  
26 resulting from:

27 (A) illness;

1                   (B) injury;  
2                   (C) disability;  
3                   (D) personal emergency;  
4                   (E) military service;  
5                   (F) vacation; or  
6                   (G) attendance at a continuing legal education  
7 program;  
8                   (2) the associate judge requests assistance due to a  
9 heavy workload or a pandemic-related emergency; or  
10                   (3) a vacancy occurs in the position of associate  
11 judge.  
12                   (b) The presiding judge of an administrative judicial  
13 region may assign a visiting associate judge under Subsection (a)  
14 during the period the associate judge is unable to perform the  
15 associate judge's duties, during the period assistance is needed to  
16 manage the associate judge's workload, or until another associate  
17 judge is appointed to fill the vacancy.  
18                   (c) [~~(b)~~] A person is not eligible for assignment  
19 [~~appointment~~] under this section unless the person has served as a  
20 master or associate judge under this chapter, a district judge, or a  
21 statutory county court judge for at least two years before the date  
22 of assignment [~~appointment~~].  
23                   (d) [~~(c)~~] A visiting associate judge assigned [~~appointed~~]  
24 under this section is subject to each provision of this chapter that  
25 applies to an associate judge serving under a regular appointment  
26 under this subchapter. A visiting associate judge assigned  
27 [~~appointed~~] under this section is entitled to compensation to be

1 determined by a majority vote of the presiding judges of the  
2 administrative judicial regions through use of funds under this  
3 subchapter. A visiting associate judge is not considered to be a  
4 state employee for any purpose.

5 (e) [~~(d)~~] Section [2252.901](#), Government Code, does not apply  
6 to the assignment [~~appointment~~] of a visiting associate judge under  
7 this section.

8 SECTION 5.004. Section [201.205\(a\)](#), Family Code, is amended  
9 to read as follows:

10 (a) An associate judge appointed under this subchapter is  
11 entitled to a salary in the amount equal to 90 percent of the annual  
12 [~~state base~~] salary paid to a district judge with comparable years  
13 of service as the associate judge as set by the General  
14 Appropriations Act in accordance with Section [659.012](#)  
15 [~~659.012(a)~~], Government Code.

16 SECTION 5.005. Section [201.208](#), Family Code, is amended to  
17 read as follows:

18 Sec. 201.208. ASSIGNMENT OF JUDGES AND [~~APPOINTMENT OF~~]  
19 VISITING ASSOCIATE JUDGES. (a) This chapter does not limit the  
20 authority of a presiding judge to assign a judge eligible for  
21 assignment under Chapter [74](#), Government Code, to assist in  
22 processing cases in a reasonable time.

23 (b) The [~~If an associate judge appointed under this~~  
24 ~~subchapter is temporarily unable to perform the associate judge's~~  
25 ~~official duties because of absence resulting from family~~  
26 ~~circumstances, illness, injury, disability, or military service,~~  
27 ~~or if there is a vacancy in the position of associate judge, the]~~

1 presiding judge of an ~~the~~ administrative judicial region ~~in~~  
2 ~~which the associate judge serves or the vacancy occurs~~ may assign  
3 ~~appoint~~ a visiting associate judge to perform the duties of an  
4 ~~the~~ associate judge appointed under this subchapter only if:

5 (1) the associate judge is temporarily unable to  
6 perform the associate judge's official duties because of absence  
7 resulting from:

8 (A) illness;

9 (B) injury;

10 (C) disability;

11 (D) personal emergency;

12 (E) military service;

13 (F) vacation; or

14 (G) attendance at a continuing legal education  
15 program;

16 (2) the associate judge requests assistance due to a  
17 heavy workload or a pandemic-related emergency; or

18 (3) a vacancy occurs in the position of associate  
19 judge.

20 (c) The presiding judge of an administrative judicial  
21 region may assign a visiting associate judge under Subsection (b)  
22 during the period the associate judge is unable to perform the  
23 associate judge's duties, during the period assistance is needed to  
24 manage the associate judge's workload, or until another associate  
25 judge is appointed to fill the vacancy.

26 (d) ~~(e)~~ A person is not eligible for assignment  
27 ~~appointment~~ under this section unless the person has served as a

1 master or associate judge under this chapter, a district judge, or a  
2 statutory county court judge for at least two years before the date  
3 of assignment [~~appointment~~].

4 (e) [~~(d)~~] A visiting associate judge assigned [~~appointed~~]  
5 under this section is subject to each provision of this chapter that  
6 applies to an associate judge serving under a regular appointment  
7 under this subchapter. A visiting associate judge assigned  
8 [~~appointed~~] under this section is entitled to compensation, to be  
9 determined by a majority vote of the presiding judges of the  
10 administrative judicial regions, through use of funds under this  
11 subchapter. A visiting associate judge is not considered to be a  
12 state employee for any purpose.

13 (f) [~~(e)~~] Section 2252.901, Government Code, does not apply  
14 to the assignment [~~appointment~~] of a visiting associate judge under  
15 this section.

16 SECTION 5.006. Subchapter C, Chapter 54A, Government Code,  
17 is amended by adding Section 54A.219 to read as follows:

18 Sec. 54A.219. VISITING ASSOCIATE JUDGES. (a) This section  
19 does not limit the authority of the presiding judge of the statutory  
20 probate courts to assign a judge under Section 25.0022 to assist  
21 with processing cases in a reasonable time.

22 (b) The local administrative probate judge or, for a county  
23 without a local administrative probate judge, a statutory probate  
24 court judge of the county in which an associate judge appointed  
25 under this subchapter serves may assign a visiting associate judge  
26 to perform the duties of an associate judge appointed under this  
27 subchapter only if:

1           (1) the associate judge is temporarily unable to  
2 perform the associate judge's official duties because of absence  
3 resulting from:

- 4                   (A) illness;
- 5                   (B) injury;
- 6                   (C) disability;
- 7                   (D) personal emergency;
- 8                   (E) military service;
- 9                   (F) vacation; or
- 10                   (G) attendance at a continuing legal education  
11 program;

12           (2) the associate judge requests assistance due to a  
13 heavy workload or a pandemic-related emergency; or

14           (3) a vacancy occurs in the position of associate  
15 judge.

16           (c) A visiting associate judge assigned under this section  
17 may be assigned to serve during the period an associate judge is  
18 unable to perform the associate judge's duties, during the period  
19 the associate judge needs assistance in managing the judge's  
20 workload, or until another associate judge is appointed to fill a  
21 vacancy in the position of associate judge.

22           (d) A person is not eligible for assignment under this  
23 section unless the person has served as an associate judge under  
24 this subchapter for at least two years before the date of  
25 assignment.

26           (e) A visiting associate judge assigned under this section  
27 is subject to each provision of this subchapter that applies to an

1 associate judge appointed under this subchapter. An assigned  
2 visiting associate judge is entitled to compensation equal to the  
3 salary of the associate judge, prorated for time served. A visiting  
4 associate judge is not considered a county employee for any  
5 purpose.

6 SECTION 5.007. Subtitle D, Title 2, Government Code, is  
7 amended by adding Chapter 54B to read as follows:

8 CHAPTER 54B. ASSOCIATE JUDGES IN CERTAIN COUNTIES

9 SUBCHAPTER A. ASSOCIATE JUDGES IN DUVAL COUNTY

10 Sec. 54B.001. APPOINTMENT. The judge of the 229th District  
11 Court, with the approval of the Commissioners Court of Duval  
12 County, may appoint a full-time or a part-time associate judge to  
13 perform the duties authorized by this subchapter.

14 Sec. 54B.002. QUALIFICATIONS. To be eligible for  
15 appointment as an associate judge, a person must:

- 16 (1) be a resident of this state and Duval County; and  
17 (2) meet the requirements and qualifications to serve  
18 as a judge of the court to which the person is appointed.

19 Sec. 54B.003. COMPENSATION. (a) An associate judge is  
20 entitled to the compensation set by the Commissioners Court of  
21 Duval County.

22 (b) The salary shall be paid from the county fund available  
23 for payments of officers' salaries.

24 (c) This section does not apply to an associate judge  
25 appointed under Chapter 54A of this code or Section 201.001, Family  
26 Code.

27 Sec. 54B.004. PRIVATE PRACTICE. A part-time associate

1 judge may engage in the private practice of law, unless restricted  
2 on a finding that it is not in the public interest by the appointing  
3 judge.

4 Sec. 54B.005. TERMINATION OF SERVICES. (a) An associate  
5 judge serves at the will of the judge of the 229th District Court.

6 (b) This section does not apply to an associate judge  
7 appointed under Chapter 54A of this code or Section 201.001, Family  
8 Code.

9 Sec. 54B.006. REFERRAL OF CASE. (a) The appointing judge  
10 may refer to an associate judge any aspect of a civil or criminal  
11 case involving a matter over which the referring court has  
12 jurisdiction in Duval County.

13 (b) After notice to all parties of the time and place of  
14 hearing, an associate judge may preside over any hearing,  
15 including:

16 (1) for a civil case, proceedings involving:

17 (A) a temporary order in an action or suit for  
18 support by one spouse against another;

19 (B) a motion or suit to modify a temporary or  
20 final order;

21 (C) temporary orders in a suit affecting the  
22 parent-child relationship;

23 (D) an application for a temporary injunction  
24 related to temporary possession or use of property;

25 (E) habeas corpus, including any hearing  
26 authorized by the Family Code;

27 (F) a motion to transfer;



1                   (G) a motion of contempt for failure or refusal  
2 to obey a temporary or final order;  
3                   (H) an action brought under Chapter 159, Family  
4 Code;  
5                   (I) an action for the protection of the family;  
6                   (J) a matter on which the parties agree;  
7                   (K) a matter in which a party is entitled to a  
8 default judgment;  
9                   (L) a divorce action in which a waiver of  
10 citation is on file;  
11                   (M) a friendly suit; and  
12                   (N) any other matter in the jurisdiction of the  
13 court, including a pretrial motion, discovery, a summary judgment,  
14 and other matters governed by the Texas Rules of Civil Procedure;  
15 and  
16                   (2) for a criminal case, proceedings involving:  
17                   (A) a negotiated plea of guilty or nolo  
18 contendere;  
19                   (B) a bond forfeiture;  
20                   (C) a pretrial motion;  
21                   (D) a postconviction writ of habeas corpus;  
22                   (E) an examining trial; and  
23                   (F) any other matter that the judge considers  
24 proper.  
25                   (c) A judge may not refer to an associate judge any criminal  
26 case for trial on the merits in which a jury trial has been  
27 requested.

1       (d) Unless a party files a written objection to the  
2 associate judge hearing the trial, the appointing judge may refer  
3 to an associate judge a trial on the merits. If an objection is  
4 filed, the trial on the merits shall be heard by the referring  
5 court.

6       (e) A trial on the merits is a final adjudication from which  
7 an appeal may be taken to a court of appeals.

8       (f) An associate judge may not conduct a contested trial on  
9 the merits to terminate parental rights unless the affected parties  
10 give written consent to the contested trial by the associate judge.  
11 Unless written consent is given by the affected parties to a  
12 contested trial on the merits, any order terminating parental  
13 rights issued pursuant to an associate judge's report resulting  
14 from the contested trial is void.

15       (g) On appointment of an associate judge, any pending or  
16 future cases may be referred to the associate judge.

17       Sec. 54B.007. ORDER OF REFERRAL. (a) To refer cases to an  
18 associate judge, the referring court must issue an order of  
19 referral.

20       (b) The order of referral may limit the power or duties of an  
21 associate judge.

22       Sec. 54B.008. POWERS. Except as limited by an order of  
23 referral, an associate judge may:

- 24               (1) conduct a hearing;  
25               (2) hear evidence;  
26               (3) compel production of relevant evidence;  
27               (4) rule on admissibility of evidence;

- 1           (5) issue summons for the appearance of witnesses;  
2           (6) examine witnesses;  
3           (7) swear witnesses for hearings;  
4           (8) make findings of fact on evidence;  
5           (9) formulate conclusions of law;  
6           (10) recommend the judgment to be made in a case;  
7           (11) regulate all proceedings in a hearing before the  
8 associate judge;  
9           (12) rule on all criminal pretrial motions; and  
10           (13) perform any act and take any measure necessary  
11 and proper for the efficient performance of the associate judge's  
12 duties.  
13           Sec. 54B.009. ATTENDANCE OF BAILIFF. A bailiff shall  
14 attend a hearing held by an associate judge if directed by the  
15 referring court.  
16           Sec. 54B.010. WITNESS. (a) A witness appearing before an  
17 associate judge is subject to the penalties for perjury provided by  
18 law.  
19           (b) A referring court may issue attachment against and may  
20 fine or imprison a witness whose failure to appear before an  
21 associate judge after being summoned or whose refusal to answer  
22 questions has been certified to the court.  
23           Sec. 54B.011. REPORT TRANSMITTED TO COURT; NOTICE. (a) At  
24 the conclusion of any hearing conducted by an associate judge and on  
25 the preparation of an associate judge's report, the associate judge  
26 shall transmit to the referring court:  
27           (1) all papers relating to the case; and

1           (2) the associate judge's signed and dated report.

2           (b) After the associate judge's report has been signed, the  
3 associate judge shall give notice of the substance of the report to  
4 the parties participating in the hearing.

5           (c) The associate judge's report may contain the associate  
6 judge's findings, conclusions, or recommendations. The associate  
7 judge's report must be in writing in a form as the referring court  
8 may direct. The form may be a notation on the referring court's  
9 docket sheet.

10          (d) The notice required under Subsection (b) may be given in  
11 open court or may be given by certified mail, return receipt  
12 requested. If the notice is given by certified mail, the associate  
13 judge shall certify the date of mailing and the notice is considered  
14 to have been given on the third day after the date of mailing.

15          Sec. 54B.012. NOTICE OF RIGHT TO APPEAL. An associate judge  
16 shall give all parties notice of the right of appeal to the judge of  
17 the referring court. The notice may be given:

18           (1) at the hearing;

19           (2) by posting the notice inside or outside the  
20 courtroom of the referring court; or

21           (3) as otherwise directed by the referring court.

22          Sec. 54B.013. EFFECT OF ASSOCIATE JUDGE'S REPORT PENDING  
23 APPEAL. Pending appeal of the associate judge's report to the  
24 referring court, the associate judge's findings, conclusions, and  
25 recommendations are in full force and effect and are enforceable as  
26 an order of the referring court, except for the orders providing for  
27 incarceration or for the appointment of a receiver.

1           Sec. 54B.014. JUDICIAL ACTION ON ASSOCIATE JUDGE'S REPORT.

2 After the associate judge's report is filed, and unless the parties  
3 have filed a written notice of appeal to the referring court, the  
4 referring court may:

5                   (1) adopt, approve, or reject the associate judge's  
6 report;

7                   (2) hear further evidence; or

8                   (3) recommit the matter for further proceedings as the  
9 referring court considers proper and necessary in the particular  
10 circumstances of the case.

11           Sec. 54B.015. DECREE OR ORDER OF COURT. If an appeal to the  
12 referring court is not filed or the right to an appeal to the  
13 referring court is waived, the associate judge's findings,  
14 conclusions, and recommendations become the decree or order of the  
15 referring court only on the referring court's signing a decree or  
16 order conforming to the associate judge's report.

17           Sec. 54B.016. APPEAL TO REFERRING COURT. (a) Any party is  
18 entitled to a hearing by the judge of the referring court if, not  
19 later than three days, computed in the manner provided by Rule 4,  
20 Texas Rules of Civil Procedure, after the date the associate judge  
21 gives the notice required by Section 54B.011, an appeal of the  
22 associate judge's report is filed with the referring court.

23                   (b) The first day of the appeal time to the referring courts  
24 begins on the day after the day on which the associate judge gives  
25 the notice required by Section 54B.011.

26                   (c) An appeal to the referring court shall be in writing and  
27 must specify the associate judge's findings, conclusions, and

1 recommendations to which the party objects. The appeal is limited  
2 to the findings, conclusions, and recommendations specified in the  
3 written appeal.

4 (d) On appeal to the referring court, the parties may  
5 present witnesses as in a hearing de novo on the issues raised in  
6 the appeal.

7 (e) Notice of any appeal to the referring court shall be  
8 given to opposing counsel in the manner provided by Rule 21a, Texas  
9 Rules of Civil Procedure.

10 (f) If an appeal to the referring court is filed by a party,  
11 any other party may file an appeal to the referring court not later  
12 than the seventh day after the date the initial appeal was filed.

13 (g) The referring court, after notice to the parties, shall  
14 hold a hearing on all appeals not later than the 30th day after the  
15 date on which the initial appeal was filed with the referring court.

16 (h) Before a hearing before an associate judge, the parties  
17 may waive the right of appeal to the referring court. The waiver  
18 may be in writing or on the record.

19 Sec. 54B.017. APPELLATE REVIEW. (a) Failure to appeal to  
20 the referring court, by waiver or otherwise, on the approval by the  
21 referring court of an associate judge's report does not deprive any  
22 party of the right to appeal to or request other relief from a court  
23 of appeals or the supreme court.

24 (b) The date of the signing of an order or judgment by the  
25 referring court is the controlling date for the purposes of an  
26 appeal to or a request for other relief from a court of appeals or  
27 the supreme court.

1       Sec. 54B.018. JURY TRIAL DEMANDED. If a jury trial is  
2 demande d and a jury fee paid in a trial on the merits, the associate  
3 judge shall refer any matters requiring a jury back to the referring  
4 court for a full trial before the court and jury.

5       Sec. 54B.019. INAPPLICABILITY OF SUBCHAPTER TO MASTERS  
6 APPOINTED UNDER RULE 171. Masters appointed by the referring court  
7 under Rule 171, Texas Rules of Civil Procedure, have all the duties  
8 and powers set forth in the order of appointment and are not  
9 governed by this subchapter.

10       Sec. 54B.020. IMMUNITY. An associate judge appointed under  
11 this subchapter has the judicial immunity of a district judge.

12       Sec. 54B.021. COURT REPORTER. (a) A court reporter is not  
13 required during a hearing held by an associate judge appointed  
14 under this subchapter.

15       (b) A party, the associate judge, or the referring court may  
16 provide for a court reporter during the hearing. The record may be  
17 preserved by any other means approved by the associate judge.

18       (c) The referring court or associate judge may impose on a  
19 party as costs the expense of preserving the record.

20       SECTION 5.008. Section 602.007, Government Code, is amended  
21 to read as follows:

22       Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL  
23 OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed  
24 statement executed as required by Section 1, Article XVI, Texas  
25 Constitution, by any of the following judicial officers and  
26 judicial appointees shall be filed with the secretary of state:

27       (1) an officer appointed by the supreme court, the

1 court of criminal appeals, or the State Bar of Texas; ~~and~~  
2 (2) an associate judge appointed under Subchapter B or  
3 C, Chapter 201, Family Code; and  
4 (3) a retired or former judge on the list maintained by  
5 the presiding judge of an administrative judicial region under  
6 Section 74.055.

7 ARTICLE 6. PROSECUTING ATTORNEYS

8 SECTION 6.001. Section 41.013, Government Code, is amended  
9 to read as follows:

10 Sec. 41.013. COMPENSATION OF CERTAIN PROSECUTORS. (a)  
11 Except as otherwise provided by law, a district attorney or  
12 criminal district attorney is entitled to receive from the state:

13 (1) annual compensation in an amount equal to at least  
14 80 percent of the state annual salary as set by the General  
15 Appropriations Act in accordance with Section 659.012 paid to a  
16 district judge with comparable years of service as the district  
17 attorney or criminal district attorney; and

18 (2) a monthly amount of longevity pay based on the  
19 district attorney's or criminal district attorney's years of  
20 service that would be paid to the district attorney or criminal  
21 district attorney under Section 659.0445 if the district attorney  
22 or criminal district attorney were a judge or justice described by  
23 Section 659.0445(a).

24 (b) For purposes of this section, the years of service of a  
25 district attorney or criminal district attorney include any years  
26 of service as:

27 (1) a district attorney, criminal district attorney,



1 or county attorney; or  
2 (2) an appellate court justice, district judge, judge  
3 of a statutory county court, judge of a multicounty statutory  
4 county court, or judge or justice of a statutory probate court.

5 SECTION 6.002. Section 45.315, Government Code, is amended  
6 to read as follows:

7 Sec. 45.315. STEPHENS COUNTY. (a) The county attorney  
8 shall represent the state in all criminal cases before the County  
9 Court of Stephens County.

10 (b) The county attorney of Stephens County shall represent  
11 the state in all misdemeanor cases before the district court of the  
12 county.

13 SECTION 6.003. Section 46.003, Government Code, is amended  
14 by amending Subsection (a) and adding Subsection (a-1) to read as  
15 follows:

16 (a) The state prosecuting attorney and each state  
17 prosecutor is entitled to receive from the state:

18 (1) a salary in an amount equal to the state annual  
19 salary as set by the General Appropriations Act in accordance with  
20 Section 659.012 paid to a district judge with comparable years of  
21 service as the state prosecuting attorney or state prosecutor; and

22 (2) a monthly amount of longevity pay based on the  
23 state prosecuting attorney's or state prosecutor's years of service  
24 that would be paid to the state prosecuting attorney or state  
25 prosecutor under Section 659.0445 if the state prosecuting attorney  
26 or state prosecutor were a judge or justice described by Section  
27 659.0445(a).

1           (a-1) For purposes of this section, the years of service of  
2 the state prosecuting attorney or a state prosecutor include any  
3 years of service as:

4                   (1) a county attorney; or

5                   (2) an appellate court justice, district judge, judge  
6 of a statutory county court, judge of a multicounty statutory  
7 county court, or judge or justice of a statutory probate court.

8           SECTION 6.004. Sections 41.013(a) and 46.003(a),  
9 Government Code, as amended by this article, apply beginning with  
10 the first pay period that begins on or after September 1, 2023.

11                                   ARTICLE 7. GRAND JURIES

12           SECTION 7.001. Article 19A.052, Code of Criminal Procedure,  
13 is amended to read as follows:

14           Art. 19A.052. QUALIFIED PERSONS SUMMONED. On directing the  
15 sheriff or clerk of the district court to summon grand jurors, the  
16 court shall instruct the sheriff or clerk of the district court to  
17 not summon a person to serve as a grand juror who does not possess  
18 the qualifications prescribed by law.

19           SECTION 7.002. Article 19A.053, Code of Criminal Procedure,  
20 is amended to read as follows:

21           Art. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED. (a)  
22 If fewer than 16 persons summoned to serve as grand jurors are found  
23 to be in attendance and qualified to serve, the court shall order  
24 the sheriff or clerk of the district court to summon an additional  
25 number of persons considered necessary to constitute a grand jury  
26 of 12 grand jurors and four alternate grand jurors.

27           (b) The sheriff or clerk of the district court shall summon

1 the additional prospective grand jurors under Subsection (a) in  
2 person to attend before the court immediately.

3 SECTION 7.003. Article 19A.101, Code of Criminal Procedure,  
4 is amended to read as follows:

5 Art. 19A.101. GRAND JUROR QUALIFICATIONS. (a) A person may  
6 be selected or serve as a grand juror only if the person:

- 7 (1) is at least 18 years of age;
- 8 (2) is a citizen of the United States;
- 9 (3) is a resident of this state and of the county in  
10 which the person is to serve;
- 11 (4) is qualified under the constitution and other laws  
12 to vote in the county in which the grand jury is sitting, regardless  
13 of whether the person is registered to vote;
- 14 (5) is of sound mind and good moral character;
- 15 (6) is able to read and write;
- 16 (7) has never ~~[not]~~ been convicted of misdemeanor  
17 theft or a felony;
- 18 (8) is not under indictment or other legal accusation  
19 for misdemeanor theft or a felony;
- 20 (9) is not related within the third degree by  
21 consanguinity or second degree by affinity, as determined under  
22 Chapter 573, Government Code, to any person selected to serve or  
23 serving on the same grand jury;
- 24 (10) has not served as a grand juror in the year before  
25 the date on which the term of court for which the person has been  
26 selected as a grand juror begins; and
- 27 (11) is not a complainant in any matter to be heard by

1 the grand jury during the term of court for which the person has  
2 been selected as a grand juror.

3 (b) On the third business day of each month, the clerk of the  
4 district court shall prepare a list of persons who in the preceding  
5 month were disqualified from serving as a grand juror based on the  
6 person's citizenship or indictment or conviction for misdemeanor  
7 theft or a felony and send a copy of the list to:

8 (1) the secretary of state; and

9 (2) the prosecuting attorney for the court to which  
10 the grand jurors were summoned for investigation into whether any  
11 person made a false claim concerning the person's qualification  
12 under Subsection (a)(2), (7), or (8).

13 SECTION 7.004. Articles [19A.052](#), [19A.053](#), and [19A.101](#), Code  
14 of Criminal Procedure, as amended by this article, apply only to the  
15 summoning of grand jurors on or after September 1, 2023. The  
16 summoning of grand jurors before September 1, 2023, is governed by  
17 the law in effect immediately before September 1, 2023, and the  
18 former law is continued in effect for that purpose.

19 ARTICLE 8. JURORS AND JURY SERVICE

20 SECTION 8.001. Section [61.001](#)(a), Government Code, is  
21 amended to read as follows:

22 (a) Except as provided by Subsection (c), a person who  
23 reports for jury service in response to the process of a court is  
24 entitled to receive as reimbursement for travel and other expenses  
25 an amount:

26 (1) not less than \$20 [~~\$6~~] for the first day or  
27 fraction of the first day the person is in attendance in court in

1 response to the process and discharges the person's duty for that  
2 day; and

3 (2) not less than \$58 [~~\$40~~] for each day or fraction of  
4 each day the person is in attendance in court in response to the  
5 process after the first day and discharges the person's duty for  
6 that day.

7 SECTION 8.002. Section 61.0015(a), Government Code, is  
8 amended to read as follows:

9 (a) The state shall reimburse a county:

10 (1) \$14 a day for the reimbursement paid under Section  
11 61.001(a)(1) to a person who reports for jury service in response to  
12 the process of a court for the first day or fraction of the first day  
13 in attendance in court in response to the process; and

14 (2) \$52 [~~\$34~~] a day for the reimbursement paid under  
15 Section 61.001(a)(2) [~~61.001~~] to a person who reports for jury  
16 service in response to the process of a court for each day or  
17 fraction of each day after the first day in attendance in court in  
18 response to the process.

19 SECTION 8.003. Sections 61.003(a) and (b), Government Code,  
20 are amended to read as follows:

21 (a) Each [~~After jury service is concluded, each~~] person who  
22 reports [~~reported~~] for jury service shall be [~~personally~~] provided  
23 the opportunity, either through a written form or electronically,  
24 to direct [~~a form letter that when signed by the person directs~~] the  
25 county treasurer or a designated county employee to donate all,  
26 [~~or~~] a specific amount designated by the person, or the entire  
27 amount divided among the funds, programs, and county entities

1 listed in this subsection of the person's daily reimbursement under  
2 this chapter to:

3 (1) the compensation to victims of crime fund  
4 established under Subchapter J, Chapter 56B, Code of Criminal  
5 Procedure;

6 (2) the child welfare, child protective services, or  
7 child services board of the county appointed under Section 264.005,  
8 Family Code, that serves abused and neglected children;

9 (3) any program selected by the commissioners court  
10 that is operated by a public or private nonprofit organization and  
11 that provides shelter and services to victims of family violence;

12 (4) any other program approved by the commissioners  
13 court of the county, including a program established under Article  
14 56A.205, Code of Criminal Procedure, that offers psychological  
15 counseling in criminal cases involving graphic evidence or  
16 testimony;

17 (5) a veterans treatment court program established by  
18 the commissioners court as provided by Chapter 124; or

19 (6) a veterans county service office established by  
20 the commissioners court as provided by Subchapter B, Chapter 434.

21 (b) The county treasurer or a designated county employee  
22 shall collect any information provided under Subsection (a) [~~each~~  
23 ~~form letter~~] directing the county treasurer to donate the  
24 reimbursement of a person who reports for jury service.

25 SECTION 8.004. Sections 62.001(a) and (b), Government Code,  
26 are amended to read as follows:

27 (a) The jury wheel must be reconstituted by using, as the

1 source:

2 (1) the names of all persons on the current voter  
3 registration lists from all the precincts in the county; and

4 (2) all names on a current list to be furnished by the  
5 Department of Public Safety, showing the citizens of the county  
6 who:

7 (A) hold a valid Texas driver's license or a  
8 valid personal identification card or certificate issued by the  
9 department; and

10 (B) are not disqualified from jury service under  
11 Section [62.102](#)(1), (2), or [\(8\)](#) [~~47~~].

12 (b) Notwithstanding Subsection (a), the names of persons  
13 listed on a register of persons exempt from jury service may not be  
14 placed in the jury wheel, as provided by Sections [62.108](#), [~~and~~  
15 [62.109](#), [62.113](#), [62.114](#), and [62.115](#)].

16 SECTION 8.005. Section [62.0111](#)(b), Government Code, is  
17 amended to read as follows:

18 (b) A plan adopted under Subsection (a) may allow for a  
19 prospective juror to provide information to the county officer  
20 responsible for summoning jurors or for the county officer to  
21 provide information to the prospective juror by computer or  
22 automated telephone system, including:

23 (1) information that permits the court to determine  
24 whether the prospective juror is qualified for jury service under  
25 Section [62.102](#);

26 (2) information that permits the court to determine  
27 whether the prospective juror is exempt from jury service under

1 Section 62.106;

2 (3) submission of a request by the prospective juror  
3 for a postponement of or excuse from jury service under Section  
4 62.110;

5 (4) information for jury assignment under Section  
6 62.016, including:

7 (A) the prospective juror's postponement status;

8 (B) if the prospective juror could potentially  
9 serve on a jury in a justice court, the residency of the prospective  
10 juror; and

11 (C) if the prospective juror could potentially  
12 serve on a jury in a criminal matter, whether the prospective juror  
13 has been convicted of misdemeanor theft;

14 (5) completion and submission by the prospective juror  
15 of the written juror [~~jury summons~~] questionnaire under Section  
16 62.0132;

17 (6) the prospective juror's electronic mail address;  
18 and

19 (7) notification to the prospective juror by  
20 electronic mail of:

21 (A) whether the prospective juror is qualified  
22 for jury service;

23 (B) the status of the exemption, postponement, or  
24 judicial excuse request of the prospective juror; or

25 (C) whether the prospective juror has been  
26 assigned to a jury panel.

27 SECTION 8.006. Section 62.012(b), Government Code, is



1 amended to read as follows:

2 (b) On receiving the notice from the judge, the clerk shall  
3 immediately write on the jury list the date that the prospective  
4 jurors are to be summoned to appear and shall either:

5 (1) summon the prospective jurors directly in the same  
6 manner a sheriff or constable would summon a juror under Section  
7 62.013; or

8 (2) deliver the jury list to:

9 (A) [~~1~~] the sheriff, for a county or district  
10 court jury; or

11 (B) [~~2~~] the sheriff or constable, for a justice  
12 court jury.

13 SECTION 8.007. The heading to Section 62.013, Government  
14 Code, is amended to read as follows:

15 Sec. 62.013. SUMMONS FOR JURY SERVICE BY CLERK, SHERIFF, OR  
16 CONSTABLE.

17 SECTION 8.008. Sections 62.013(a) and (b), Government Code,  
18 are amended to read as follows:

19 (a) Except as provided by Section 62.014, the clerk,  
20 sheriff, or constable, on receipt of a jury list from a county or  
21 district clerk, shall immediately notify the persons whose names  
22 are on the list to appear for jury service on the date designated by  
23 the judge.

24 (b) The clerk, sheriff, or constable shall notify each  
25 prospective juror to appear for jury service:

26 (1) by an oral summons; or

27 (2) if the judge ordering the summons so directs, by a

1 written summons sent by registered mail or certified mail, return  
2 receipt requested, or by first class mail to the address on the jury  
3 wheel card or the address on the current voter registration list of  
4 the county.

5 SECTION 8.009. Sections [62.0131](#)(b) and (c), Government  
6 Code, are amended to read as follows:

7 (b) The model must include:

8 (1) the option to provide:

9 (A) the exemptions and restrictions governing  
10 jury service under Subchapter B; or

11 (B) the electronic address of the court's  
12 Internet website on which is posted the exemptions and restrictions  
13 governing jury service under Subchapter B; ~~and~~

14 (2) the information under Chapter [122](#), Civil Practice  
15 and Remedies Code, relating to the duties of an employer with regard  
16 to an employee who is summoned for jury service;

17 (3) notice of the contempt action to which the person  
18 summoned for jury service is subject under Section [62.0141](#) for  
19 failure to comply with the jury summons; and

20 (4) the option to:

21 (A) include in the jury summons the juror  
22 questionnaire required by Section [62.0132](#);

23 (B) provide the electronic address of the court's  
24 Internet website from which the juror questionnaire may be easily  
25 printed; or

26 (C) in counties in which the district and  
27 criminal district judges adopted a plan for an electronic jury

1 selection method under Section 62.011, provide the electronic  
2 address of the court's Internet website for the prospective juror  
3 to access and complete the juror questionnaire.

4 (c) A written jury summons must conform with the model  
5 established under this section and must be 3-1/2 by 5 inches or  
6 larger in size.

7 SECTION 8.010. The heading to Section 62.0132, Government  
8 Code, is amended to read as follows:

9 Sec. 62.0132. JUROR [~~WRITTEN JURY SUMMONS~~] QUESTIONNAIRE.

10 SECTION 8.011. Sections 62.0132(c) and (d), Government  
11 Code, are amended to read as follows:

12 (c) The questionnaire must require a person to provide  
13 biographical and demographic information that is relevant to  
14 service as a jury member, including the person's:

- 15 (1) name, sex, race, and age;
- 16 (2) residence address and mailing address;
- 17 (3) education level, occupation, and place of  
18 employment;
- 19 (4) marital status and the name, occupation, and place  
20 of employment of the person's spouse; [~~and~~]
- 21 (5) citizenship status and county of residence; and
- 22 (6) any electronic address.

23 (d) Except as provided by this subsection, a person who has  
24 received a [~~written~~] jury summons shall complete and submit a juror  
25 [~~jury summons~~] questionnaire when the person reports for jury duty.  
26 If the district and criminal district judges of a county adopt a  
27 plan for an electronic jury selection method under Section 62.011,

1 the county may allow a person to complete and submit a juror [~~jury~~  
2 ~~summons~~] questionnaire on the court's Internet website as  
3 authorized under Section 62.0111(b)(5).

4 SECTION 8.012. The heading to Section 62.014, Government  
5 Code, is amended to read as follows:

6 Sec. 62.014. SUMMONS FOR JURY SERVICE BY CLERKS, SHERIFFS,  
7 OR BAILIFFS.

8 SECTION 8.013. Section 62.014(a), Government Code, is  
9 amended to read as follows:

10 (a) In a county with at least nine district courts, the  
11 district judges may direct that prospective jurors be summoned for  
12 jury service by the clerk, the sheriff, or [~~by~~] a bailiff, or an  
13 assistant or deputy bailiff, in charge of the central jury room and  
14 the general panel of the county.

15 SECTION 8.014. Section 62.0145, Government Code, is amended  
16 to read as follows:

17 Sec. 62.0145. REMOVAL OF CERTAIN PERSONS FROM POOL OF  
18 PROSPECTIVE JURORS. Except as provided by Section 62.0146, if a  
19 written summons for jury service sent by a clerk, sheriff,  
20 constable, or bailiff is undeliverable, the county or district  
21 clerk may remove from the jury wheel the jury wheel card for the  
22 person summoned or the district clerk, or in a county with a  
23 population of at least 1.7 million and in which more than 75 percent  
24 of the population resides in a single municipality, a bailiff  
25 appointed as provided under Section 62.019, may remove the person's  
26 name from the record of names for selection of persons for jury  
27 service under Section 62.011.

1           SECTION 8.015. Section 62.0146, Government Code, is amended  
2 to read as follows:

3           Sec. 62.0146. UPDATING ADDRESSES OF CERTAIN PERSONS IN POOL  
4 OF PROSPECTIVE JURORS. If a written summons for jury service sent  
5 by a clerk, sheriff, constable, or bailiff is returned with a  
6 notation from the United States Postal Service of a change of  
7 address for the person summoned, the county or district clerk may  
8 update the jury wheel card to reflect the person's new address.

9           SECTION 8.016. Section 62.015(b), Government Code, is  
10 amended to read as follows:

11           (b) If the court at any time does not have a sufficient  
12 number of prospective jurors present whose names are on the jury  
13 lists and who are not excused by the judge from jury service, the  
14 judge shall order the clerk, sheriff, or constable to summon  
15 additional prospective jurors to provide the requisite number of  
16 jurors for the panel. The names of additional jurors to be summoned  
17 by the clerk, sheriff, or constable to fill a jury panel shall be  
18 drawn from the jury wheel under orders of the judge. Additional  
19 jurors summoned to fill a jury panel shall be discharged when their  
20 services are no longer required.

21           SECTION 8.017. Section 62.016(d), Government Code, is  
22 amended to read as follows:

23           (d) The clerk or sheriff shall notify the persons whose  
24 names are drawn from the jury wheel to appear before the designated  
25 judge for jury service. The judge shall hear the excuses of the  
26 prospective jurors and swear them in for jury service for the week  
27 for which they are to serve as jurors.

1           SECTION 8.018. Section 62.017(d), Government Code, is  
2 amended to read as follows:

3           (d) The clerk or sheriff shall notify the persons whose  
4 names are drawn from the jury wheel to appear before the designated  
5 judge for jury service. The judge shall hear the excuses of the  
6 prospective jurors and swear them in for jury service for the week  
7 for which they are to serve as jurors.

8           SECTION 8.019. Section 62.0175(d), Government Code, is  
9 amended to read as follows:

10          (d) The clerk or sheriff shall notify the persons whose  
11 names are drawn from the jury wheel to appear before the district  
12 judge for jury service. The judge shall hear the excuses of the  
13 prospective jurors and swear them in for jury service for the week  
14 for which they are to serve as jurors.

15          SECTION 8.020. Section 62.106(a), Government Code, is  
16 amended to read as follows:

17          (a) A person qualified to serve as a petit juror may  
18 establish an exemption from jury service if the person:

- 19               (1) is over 75 [~~70~~] years of age;
- 20               (2) has legal custody of a child younger than 12 years  
21 of age and the person's service on the jury requires leaving the  
22 child without adequate supervision;
- 23               (3) is a student of a public or private secondary  
24 school;
- 25               (4) is a person enrolled and in actual attendance at an  
26 institution of higher education;
- 27               (5) is an officer or an employee of the senate, the

1 house of representatives, or any department, commission, board,  
2 office, or other agency in the legislative branch of state  
3 government;

4 (6) is summoned for service in a county with a  
5 population of at least 200,000, unless that county uses a jury plan  
6 under Section 62.011 and the period authorized under Section  
7 62.011(b)(5) exceeds two years, and the person has served as a petit  
8 juror in the county during the 24-month period preceding the date  
9 the person is to appear for jury service;

10 (7) is the primary caretaker of a person who is unable  
11 to care for himself or herself;

12 (8) except as provided by Subsection (b), is summoned  
13 for service in a county with a population of at least 250,000 and  
14 the person has served as a petit juror in the county during the  
15 three-year period preceding the date the person is to appear for  
16 jury service; or

17 (9) is a member of the United States military forces  
18 serving on active duty and deployed to a location away from the  
19 person's home station and out of the person's county of residence.

20 SECTION 8.021. Section 62.107(c), Government Code, is  
21 amended to read as follows:

22 (c) A person who files a statement with a clerk of the court,  
23 as provided by Subsection (a), claiming an exemption because the  
24 person is over 75 [~~70~~] years of age, may also claim the permanent  
25 exemption on that ground authorized by Section 62.108 by including  
26 in the statement filed with the clerk a declaration that the person  
27 desires the permanent exemption. Promptly after a statement

1 claiming a permanent exemption on the basis of age is filed, the  
2 clerk of the court with whom it is filed shall have a copy delivered  
3 to the voter registrar of the county.

4 SECTION 8.022. Sections 62.108(a), (b), (c), and (e),  
5 Government Code, are amended to read as follows:

6 (a) A person who is entitled to exemption from jury service  
7 because the person is over 75 [~~70~~] years of age may establish a  
8 permanent exemption on that ground as provided by this section or  
9 Section 62.107.

10 (b) A person may claim a permanent exemption:

11 (1) by filing with the voter registrar of the county,  
12 by mail or personal delivery, a signed statement affirming that the  
13 person is over 75 [~~70~~] years of age and desires a permanent  
14 exemption on that ground; or

15 (2) in the manner provided by Section 62.107(c).

16 (c) The voter registrar of the county shall maintain a  
17 current register indicating the name of each person who has claimed  
18 and is entitled to a permanent exemption from jury service because  
19 the person is over 75 [~~70~~] years of age.

20 (e) A person who has claimed a permanent exemption from jury  
21 service because the person is over 75 [~~70~~] years of age may rescind  
22 the exemption at any time by filing a signed request for the  
23 rescission with the voter registrar of the county. Rescission of a  
24 permanent exemption does not affect the right of a person who is  
25 over 75 [~~70~~] years of age to claim permanent exemption at a later  
26 time.

27 SECTION 8.023. Section 62.109(c), Government Code, is



1 amended to read as follows:

2 (c) The clerk of the district court shall promptly notify  
3 the voter registrar of the county of the name and address of each  
4 person permanently exempted [~~and state whether the exemption is~~  
5 ~~permanent or for a specified period~~]. The voter registrar shall  
6 maintain a current register showing [~~separately~~] the name and  
7 address of each person permanently exempt from jury service under  
8 this section [~~and the name and address of each person exempt from~~  
9 ~~jury service under this section for a specified period~~].

10 SECTION 8.024. Subchapter B, Chapter 62, Government Code,  
11 is amended by adding Section 62.115 to read as follows:

12 Sec. 62.115. COMPILATION OF LIST OF CONVICTED PERSONS. (a)  
13 The clerk of the court shall maintain a list of the name and address  
14 of each person who is disqualified under this subchapter from jury  
15 service because the person was convicted of misdemeanor theft or a  
16 felony.

17 (b) A person who was convicted of misdemeanor theft or a  
18 felony shall be permanently disqualified from serving as a juror. A  
19 person is exempt from this section if the person:

20 (1) was placed on deferred adjudication and received a  
21 dismissal and discharge in accordance with Article 42A.111, Code of  
22 Criminal Procedure;

23 (2) was placed on community supervision and the period  
24 of community supervision was terminated early under Article  
25 42A.701, Code of Criminal Procedure; or

26 (3) was pardoned or has had the person's civil rights  
27 restored.

1       (c) The district clerk may remove from the jury wheel the  
2 jury wheel card for the person whose name appears on the list.

3       (d) On the third business day of each month, the clerk shall  
4 send to the secretary of state a copy of the list of persons  
5 disqualified because of a conviction of misdemeanor theft or a  
6 felony in the preceding month.

7       SECTION 8.025. Section 62.411(a), Government Code, is  
8 amended to read as follows:

9       (a) In addition to other methods of jury selection provided  
10 by this chapter, a justice of the peace may issue a writ commanding  
11 the clerk, sheriff, or constable to immediately summon a venire  
12 from which six qualified persons may be selected for jury service  
13 if:

14               (1) a jury case is pending for trial at a term of  
15 justice court; or

16               (2) the court does not have a sufficient number of  
17 prospective jurors present whose names are on the jury list and who  
18 are not excused from jury service.

19       SECTION 8.026. Section 62.412(c), Government Code, is  
20 amended to read as follows:

21       (c) A justice of the peace may command the clerk, sheriff,  
22 or constable to immediately summon additional persons for jury  
23 service in the justice court if the number of qualified jurors,  
24 including persons summoned under Section 62.016, is less than the  
25 number necessary for the justice court to conduct its proceedings.

26       SECTION 8.027. Sections 62.0111(c) and 62.0132(b),  
27 Government Code, are repealed.

1           SECTION 8.028. Sections 62.106(a), 62.107(c), and  
2 62.108(a), (b), (c), and (e), Government Code, as amended by this  
3 article, apply only to an exemption from jury service for a person  
4 who is summoned to appear for service on or after September 1, 2023.  
5 An exemption from jury service for a person who is summoned to  
6 appear for service before September 1, 2023, is covered by the law  
7 in effect when the person was summoned, and that law is continued in  
8 effect for that purpose.

9           ARTICLE 9. COURT REPORTERS AND INTERPRETERS

10          SECTION 9.001. Section 52.041, Government Code, is amended  
11 to read as follows:

12          Sec. 52.041. APPOINTMENT OF OFFICIAL COURT REPORTER. (a)  
13 Each judge of a court of record shall appoint an official court  
14 reporter. An official court reporter is a sworn officer of the  
15 court and holds office at the pleasure of the court.

16          (b) The judges of two or more courts of record that are not  
17 located in the same judicial district on agreement may jointly  
18 appoint an official court reporter to serve the courts, provided  
19 each court is located in a county with a population of 125,000 or  
20 less according to the 2020 federal decennial census.

21          (c) Notwithstanding any other law, two or more judges of  
22 courts of record may appoint a certified shorthand reporter to  
23 serve each court as an official court reporter of the court,  
24 provided each court is located in a county with a population of  
25 125,000 or less according to the 2020 federal decennial census. A  
26 certified shorthand reporter appointed under this subsection may  
27 serve as an official court reporter for more than one county and be

1 an employee of more than one county.

2 SECTION 9.002. Section 52.055(d), Government Code, is  
3 amended to read as follows:

4 (d) The expenses reimbursed under this section are subject  
5 to annual limitations based on the size of the judicial district.  
6 Except as provided by Subsection (d-1), a court reporter may not  
7 receive more than the maximum reimbursement amount set for the  
8 reporter's judicial district in any one year. The maximum  
9 reimbursement amount is as follows:

10 (1) if the judicial district contains two counties,  
11 the maximum reimbursement amount is \$400 or a greater amount set by  
12 the commissioners court of the county for which the expenses were  
13 incurred;

14 (2) if the judicial district contains three counties,  
15 the maximum reimbursement amount is \$800 or a greater amount set by  
16 the commissioners court of the county for which the expenses were  
17 incurred;

18 (3) if the judicial district contains four counties,  
19 the maximum reimbursement amount is \$1,400 or a greater amount set  
20 by the commissioners court of the county for which the expenses were  
21 incurred; and

22 (4) if the judicial district contains five or more  
23 counties, the maximum reimbursement amount is \$2,000 or a greater  
24 amount set by the commissioners court of the county for which the  
25 expenses were incurred.

26 SECTION 9.003. Section 52.056(a), Government Code, is  
27 amended to read as follows:

1           (a) An official or deputy court reporter of a judicial  
2 district who is required to leave the county of the reporter's [his]  
3 residence to report proceedings as a substitute for the official  
4 court reporter of another county is entitled to reimbursement for  
5 actual and necessary travel expenses and a per diem allowance of \$30  
6 or the amount provided by the travel per diem policy of the county  
7 for which the expenses were incurred, whichever is greater, for  
8 each day or part of a day spent outside the reporter's [his] county  
9 of residence in the performance of duties as a substitute. These  
10 fees are in addition to the visiting reporter's regular salary.

11           SECTION 9.004. Section 52.058(b), Government Code, is  
12 amended to read as follows:

13           (b) Travel expenses reimbursed under this section may not  
14 exceed the mileage reimbursement rate established by the county [25  
15 ~~cents per mile]~~ for the use of private conveyances, traveling the  
16 shortest practical route.

17           SECTION 9.005. Sections 57.001(1) and (9), Government Code,  
18 are amended to read as follows:

19           (1) "Certified court interpreter" means an individual  
20 who is a qualified interpreter as defined in Article 38.31, Code of  
21 Criminal Procedure, or Section 21.003, Civil Practice and Remedies  
22 Code, or is qualified in accordance with the communication access  
23 realtime translation services eligibility requirements established  
24 by the Office of Deaf and Hard of Hearing Services of the Health and  
25 Human Services Commission, [certified under Subchapter B by the  
26 ~~Department of Assistive and Rehabilitative Services]~~ to interpret  
27 court proceedings for a hearing-impaired individual.

1           (9) "Certified CART provider" means an individual who  
2 holds a certification to provide communication access realtime  
3 translation services at an advanced or master level, including:

4                   (A) a level I through level V certificate of  
5 competency issued by the Texas Court Reporters Association;

6                   (B) a certified realtime reporter, certified  
7 realtime captioner, or other equivalent certified CART provider  
8 certificate of competency issued by the National Court Reporters  
9 Association; or

10                   (C) a certificate of competency issued by another  
11 certification association selected by the department.

12           SECTION 9.006. (a) Section 154.051, Government Code, is  
13 amended by amending Subsection (a) and adding Subsection (f-1) to  
14 read as follows:

15           (a) The Court Reporters Certification Advisory Board is  
16 established as an advisory board to the commission. The advisory  
17 board is composed of at least nine [~~seven~~] members appointed by the  
18 supreme court as follows:

19                   (1) one active district judge presiding over a court  
20 that employs an official court reporter;

21                   (2) one active attorney licensed in this state who has  
22 been a practicing member of the State Bar for more than the five  
23 years immediately preceding the attorney's appointment to the  
24 advisory board;

25                   (3) two certified shorthand [~~active official court~~]  
26 reporters actively engaged in the practice of official court [~~who~~  
27 ~~have practiced shorthand~~] reporting in this state for more than the

1 five years immediately preceding their appointment to the advisory  
2 board;

3 (4) two [~~active~~] certified shorthand reporters  
4 actively engaged in the practice of [~~who work on a freelance basis~~  
5 ~~and who have practiced~~] shorthand reporting on a freelance basis  
6 for more than the five years immediately preceding their  
7 appointment to the advisory board; [~~and~~]

8 (5) one certified shorthand reporter actively engaged  
9 in practice as a captioner in this state for more than the five  
10 years immediately preceding the captioner's appointment to the  
11 advisory board; and

12 (6) two certified shorthand reporters who:

13 (A) own a shorthand reporting firm in this state;  
14 and

15 (B) have owned and [~~one representative of a~~  
16 ~~shorthand reporting firm that has~~] operated [~~as~~] a shorthand  
17 reporting firm in this state for more than the five [~~three~~] years  
18 immediately preceding their [~~the representative's~~] appointment to  
19 the advisory board.

20 (f-1) Not later than the 90th day before the expiration of  
21 an advisory board member's term, the commission:

22 (1) shall post on the commission's Internet website  
23 notice of the availability of the membership position;

24 (2) shall accept resumes from and conduct interviews  
25 of any qualified individuals interested in appointment to the  
26 position; and

27 (3) may recommend to the supreme court one or more of

1 the qualified individuals for appointment to the advisory board.

2 (b) As soon as practicable after the effective date of this  
3 Act, the Texas Supreme Court shall appoint two additional members  
4 of the Court Reporters Certification Advisory Board in accordance  
5 with Section 154.051(a), Government Code, as amended by this  
6 article.

7 (c) Section 154.051, Government Code, as amended by this  
8 article, modifying the qualifications of members of the Court  
9 Reporters Certification Advisory Board does not affect the  
10 entitlement of a member serving on the advisory board immediately  
11 before September 1, 2023, to continue to carry out the member's  
12 functions for the remainder of the member's term. Section 154.051,  
13 Government Code, as amended by this article, applies only to a  
14 member appointed or reappointed on or after September 1, 2023. This  
15 article does not prohibit a person who is a member of the advisory  
16 board before that date from being reappointed to the advisory board  
17 if the person has the qualifications required for membership under  
18 Section 154.051, Government Code, as amended by this article.

19 SECTION 9.007. Sections 154.105(b), (c), and (d),  
20 Government Code, are amended to read as follows:

21 (b) A certified shorthand reporter may administer oaths to  
22 witnesses[+]

23 [~~(1) anywhere in this state,~~

24 [~~(2) in a jurisdiction outside this state if:~~

25 [~~(A) the reporter is at the same location as the~~  
26 ~~witness, and~~

27 [~~(B) the witness is or may be a witness in a case~~



1 ~~filed in this state, and~~

2 ~~[(3) at any location authorized in a reciprocity~~  
3 ~~agreement between this state and another jurisdiction under Section~~  
4 ~~152.202(b)].~~

5 ~~[(c) Notwithstanding Subsection (b), a shorthand reporter~~  
6 ~~may administer an oath as provided under this subsection to a person~~  
7 ~~who is or may be a witness in a case filed in this state] without~~  
8 being at the same location as the witness[+

9 ~~[(1) if the reporter is physically located in this~~  
10 ~~state at the time the oath is administered, or~~

11 ~~[(2) as authorized in a reciprocity agreement between~~  
12 ~~this state and another jurisdiction under Section 152.202(b) if:~~

13 ~~[(A) the witness is at a location in the other~~  
14 ~~jurisdiction; and~~

15 ~~[(B) the reporter is at a location in the same~~  
16 ~~jurisdiction as the witness].~~

17 (c) ~~[(d)]~~ The identity of a witness who is not in the  
18 physical presence of a certified shorthand reporter may be proven  
19 by:

20 (1) a statement under oath on the record by a party to  
21 the case stating that the party has actual knowledge of the  
22 witness's identity;

23 (2) a statement on the record by an attorney for a  
24 party to the case, or an attorney for the witness, verifying the  
25 witness's identity;

26 (3) a statement on the record by a notary who is in the  
27 presence of the witness verifying the witness's identity; or

1           (4) the witness's presentation for inspection by the  
2 court reporter of an official document issued by this state,  
3 another state, a federal agency, or another jurisdiction that  
4 verifies the witness's identity.

5           SECTION 9.008. The heading to Section 154.112, Government  
6 Code, is amended to read as follows:

7           Sec. 154.112. EMPLOYMENT OF NONCERTIFIED PERSON FOR  
8 SHORTHAND REPORTING; CIVIL PENALTY.

9           SECTION 9.009. Section 154.112, Government Code, is amended  
10 by amending Subsection (b) and adding Subsections (d), (e), (f),  
11 (g), and (h) to read as follows:

12           (b) A person who is not certified as a court reporter may  
13 engage in shorthand reporting to report an oral deposition only if:

14           (1) the uncertified person delivers an affidavit to  
15 the parties or to their counsel before [~~present at~~] the deposition  
16 begins stating that a certified shorthand reporter is not  
17 available; or

18           (2) the parties or their counsel stipulate on the  
19 record at the beginning of the deposition that a certified  
20 shorthand reporter is not available.

21           (d) The person shall file the affidavit described by  
22 Subsection (b)(1) with the court as part of the certification  
23 required by Rule 203.2, Texas Rules of Civil Procedure.

24           (e) In addition to any other remedy authorized by law, the  
25 commission may:

26           (1) collect a civil penalty in an amount not to exceed  
27 \$1,000 from a person who fails to comply with Subsection (b)(1) or

1 (d); and

2 (2) seek injunctive relief for a second or subsequent  
3 violation of Subsection (b)(1) or (d) to prohibit the person from  
4 engaging in shorthand reporting unless the person is certified as a  
5 court reporter under this chapter.

6 (f) The commission shall collect a civil penalty assessed  
7 under Subsection (e)(1) following the same procedures the  
8 commission uses in taking disciplinary action against a certified  
9 court reporter for violating the laws and rules applicable to the  
10 reporter.

11 (g) The attorney general, a county or district attorney  
12 whose jurisdiction includes the location at which a deposition is  
13 taken, or legal counsel the commission designates may represent the  
14 commission for purposes of collecting the civil penalty or  
15 obtaining the injunctive relief.

16 (h) In an action authorized by this section, the commission  
17 may obtain reasonable attorney's fees, expenses, and costs incurred  
18 in obtaining the civil penalty or injunctive relief.

19 SECTION 9.010. Section 154.105(e), Government Code, is  
20 repealed.

21 SECTION 9.011. As soon as practicable after the effective  
22 date of this Act, the Texas Supreme Court shall revise the Texas  
23 Rules of Civil Procedure as the court determines necessary to  
24 conform to the changes in law made by this Act to Section 154.112,  
25 Government Code.



1 alleged to be a member of the United States Armed Forces or of a  
2 United States Armed Forces Auxiliary or who is alleged to be a  
3 civilian employed by or accompanying the armed forces or an  
4 auxiliary outside the United States may be taken by a commissioned  
5 officer in the United States Armed Forces or United States Armed  
6 Forces Auxiliary or by a commissioned officer in the United States  
7 Armed Forces Reserve or an auxiliary of it. If a deposition on  
8 written questions appears on its face to have been taken as provided  
9 by this subsection and the deposition or any part of it is offered  
10 in evidence, it is presumed, absent pleading and proof to the  
11 contrary, that the person taking the deposition as a commissioned  
12 officer was a commissioned officer on the date that the deposition  
13 was taken, and that the deponent was a member of the authorized  
14 group of military personnel or civilians.

15 SECTION 10.003. Section 30.012(b), Civil Practice and  
16 Remedies Code, is amended to read as follows:

17 (b) Witness testimony at trial in a district or statutory  
18 county court may be conducted by electronic means only if the  
19 witness is deposed before the commencement of the trial. Neither  
20 the court nor any party may waive the requirement to depose the  
21 witness under this subsection if any party objects.

22 SECTION 10.004. Section 51.601, Government Code, is amended  
23 to read as follows:

24 Sec. 51.601. COURT REPORTER SERVICE FUND. (a) [~~(c)~~] The  
25 commissioners court of the county shall administer the court  
26 reporter service fund to assist in the payment of  
27 court-reporter-related services, that may include maintaining an

1 adequate number of court reporters to provide services to the  
2 courts, obtaining court reporter transcription services,  
3 closed-caption transcription machines, Braille transcription  
4 services, or other transcription services, including a court  
5 reporter's preparation of an appellate record under the Texas Rules  
6 of Appellate Procedure and Rule 145, Texas Rules of Civil  
7 Procedure, to comply with state or federal laws, or providing any  
8 other service related to the functions of a court reporter.

9       (b) [~~(a)~~] The commissioners court shall, in administering  
10 the court reporter service fund, assist any court in which a case is  
11 filed that requires the payment of the court reporter service fee.

12       SECTION 10.005. Sections 52.047(c), (e), and (g),  
13 Government Code, are amended to read as follows:

14       (c) On payment of the fee or as provided by the [~~Rule~~  
15 ~~40(a)(3) or 53(j),~~] Texas Rules of Appellate Procedure, the person  
16 requesting the transcript is entitled to the original and one copy  
17 of the transcript. The person may purchase additional copies for a  
18 fee per page that does not exceed one-third of the original cost per  
19 page.

20       (e) If an objection is made to the amount of these  
21 additional fees, the judge shall set a reasonable fee. If the  
22 person applying for the transcript is entitled to a transcript  
23 without charge under the [~~Rule 40(a)(3) or 53(j),~~] Texas Rules of  
24 Appellate Procedure, the court reporter may not charge any  
25 additional fees under Subsection (d).

26       (g) Notwithstanding the [~~Rule 53(j),~~] Texas Rules of  
27 Appellate Procedure, an official court reporter who is required to

1 prepare a transcript in a criminal case without charging a fee is  
2 not entitled to payment for the transcript from the state or county  
3 if the county paid a substitute court reporter to perform the  
4 official court reporter's regular duties while the transcript was  
5 being prepared. To the extent that this subsection conflicts with  
6 the Texas Rules of Appellate Procedure, this subsection controls.  
7 Notwithstanding Sections 22.004 and 22.108(b), the supreme court or  
8 the court of criminal appeals may not amend or adopt rules in  
9 conflict with this subsection.

10 SECTION 10.006. The heading to Section 57.002, Government  
11 Code, is amended to read as follows:

12 Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER;  
13 CART PROVIDER LIST; PAYMENT OF INTERPRETER COSTS.

14 SECTION 10.007. Section 57.002, Government Code, is amended  
15 by adding Subsections (g), (h), and (i) to read as follows:

16 (g) A party to a proceeding in a court who files a statement  
17 of inability to afford payment of court costs under Rule 145, Texas  
18 Rules of Civil Procedure, is not required to provide an interpreter  
19 at the party's expense or pay the costs associated with the services  
20 of an interpreter appointed under this section that are incurred  
21 during the course of the action, unless the statement has been  
22 contested and the court has ordered the party to pay costs pursuant  
23 to Rule 145. Nothing in this subsection is intended to apply to  
24 interpreter services or other auxiliary aids for individuals who  
25 are deaf, hard of hearing, or have communication disabilities,  
26 which shall be provided to those individuals free of charge  
27 pursuant to federal and state laws.

1           (h) Each county auditor, or other individual designated by  
2 the commissioners court of a county, in consultation with the  
3 district and county clerks shall submit to the Office of Court  
4 Administration of the Texas Judicial System, in the manner  
5 prescribed by the office, information on the money the county spent  
6 during the preceding fiscal year to provide court-ordered  
7 interpretation services in civil and criminal proceedings. The  
8 information must include:

- 9                   (1) the number of interpreters appointed;  
10                   (2) the number of interpreters appointed for parties  
11 or witnesses who are indigent;  
12                   (3) the amount of money the county spent to provide  
13 court-ordered interpretation services; and  
14                   (4) for civil proceedings, whether a party to the  
15 proceeding filed a statement of inability to afford payment of  
16 court costs under Rule 145, Texas Rules of Civil Procedure,  
17 applicable to the appointment of an interpreter.

18           (i) Not later than December 1 of each year, the Office of  
19 Court Administration of the Texas Judicial System shall:

- 20                   (1) submit to the legislature a report that aggregates  
21 by county the information submitted under Subsection (h) for the  
22 preceding fiscal year; and  
23                   (2) publish the report on the office's Internet  
24 website.

25           SECTION 10.008. Section 154.101(f), Government Code, is  
26 amended to read as follows:

27           (f) Except as provided by Section 154.112 and by Section



1 20.001, Civil Practice and Remedies Code, all depositions conducted  
2 in this state must be reported [~~recorded~~] by a certified shorthand  
3 reporter.

4 SECTION 10.009. Section 406.016(a), Government Code, is  
5 amended to read as follows:

6 (a) A notary public has the same authority as the county  
7 clerk to:

- 8 (1) take acknowledgments or proofs of written  
9 instruments;
- 10 (2) protest instruments permitted by law to be  
11 protested;
- 12 (3) administer oaths;
- 13 (4) take depositions as provided by Section 20.001,  
14 Civil Practice and Remedies Code; and
- 15 (5) certify copies of documents not recordable in the  
16 public records.

17 SECTION 10.010. (a) This article is and shall be construed  
18 to be consistent with the procedures set forth in Rules 199.1(c) and  
19 203.6(a), Texas Rules of Civil Procedure, as of September 1, 2023.

20 (b) Section 57.002, Government Code, as amended by this  
21 article, applies to an action pending on September 1, 2023, or filed  
22 on or after that date.

23 ARTICLE 11. TRANSFER OF CASES AND PROCEEDINGS

24 SECTION 11.001. Section 33.101, Estates Code, is amended to  
25 read as follows:

26 Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS  
27 PROPER. If probate proceedings involving the same estate are

1 commenced in more than one county and the court making a  
2 determination of venue as provided by Section 33.053 determines  
3 that venue is proper in another county, the court clerk shall  
4 transmit the file for the proceeding in accordance with the  
5 procedures provided by Section 33.105 ~~make and retain a copy of the~~  
6 ~~entire file in the case and transmit the original file in electronic~~  
7 ~~or paper form~~ to the court in the county in which venue is proper.  
8 The court to which the file is transmitted shall conduct the  
9 proceeding in the same manner as if the proceeding had originally  
10 been commenced in that county.

11 SECTION 11.002. Section 33.102(a), Estates Code, is amended  
12 to read as follows:

13 (a) If it appears to the court at any time before the final  
14 order in a probate proceeding is rendered that the court does not  
15 have priority of venue over the proceeding, the court shall, on the  
16 application of an interested person, transfer the proceeding to the  
17 proper county by transmitting the file for the proceeding in  
18 accordance with the procedures provided by Section 33.105 to the  
19 proper court in that county ~~[in electronic or paper form]~~.

20 ~~[(1) the original file in the case, and~~

21 ~~[(2) certified copies of all entries that have been~~  
22 ~~made in the judge's probate docket in the proceeding].~~

23 SECTION 11.003. Section 33.103(b), Estates Code, is amended  
24 to read as follows:

25 (b) The clerk of the court from which the probate proceeding  
26 described by Subsection (a) is transferred shall transmit the file  
27 for the proceeding in accordance with the procedures provided by

1 Section 33.105 to the court to which the proceeding is  
2 transferred[+

3 ~~[(1) the original file in the proceeding; and~~  
4 ~~[(2) a certified copy of the index].~~

5 SECTION 11.004. Subchapter C, Chapter 33, Estates Code, is  
6 amended by adding Section 33.105 to read as follows:

7 Sec. 33.105. TRANSFER OF PROBATE PROCEEDING RECORD. (a) If  
8 a probate proceeding is transferred to a court in another county  
9 under this chapter, the clerk of the transferring court shall send  
10 to the clerk of the court to which the proceeding is transferred,  
11 using the electronic filing system established under Section  
12 72.031, Government Code:

13 (1) a transfer certificate and index of transferred  
14 documents;

15 (2) a copy of each final order;

16 (3) a copy of the order of transfer signed by the  
17 transferring court;

18 (4) a copy of the original papers filed in the  
19 transferring court, including a copy of any will;

20 (5) a copy of the transfer certificate and index of  
21 transferred documents from each previous transfer; and

22 (6) a bill of any costs accrued in the transferring  
23 court.

24 (b) The clerk of the transferring court shall use the  
25 standardized transfer certificate and index of transferred  
26 documents form developed by the Office of Court Administration of  
27 the Texas Judicial System under Section 72.037, Government Code,

1 when transferring a proceeding under this section.

2 (c) The clerk of the transferring court shall keep a copy of  
3 the documents transferred under Subsection (a).

4 (d) The clerk of the court to which the proceeding is  
5 transferred shall:

6 (1) accept documents transferred under Subsection  
7 (a);

8 (2) docket the proceeding; and

9 (3) notify, using the electronic filing system  
10 established under Section 72.031, Government Code, all parties to  
11 the proceeding, the clerk of the transferring court, and, if  
12 appropriate, the transferring court's local registry that the  
13 proceeding has been docketed.

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

19 (f) The clerks of both the transferee and transferring  
20 courts may each produce under Chapter 51, Government Code,  
21 certified or uncertified copies of documents transferred under  
22 Subsection (a) but must include a copy of the transfer certificate  
23 and index of transferred documents with each document produced.

24 (g) Sections 80.001 and 80.002, Government Code, do not  
25 apply to the transfer of documents under this section.

26 SECTION 11.005. Section 1023.006, Estates Code, is amended  
27 to read as follows:

1           Sec. 1023.006. TRANSFER OF RECORD. (a) Not later than the  
2 10th working day after the date [~~When~~] an order of transfer is  
3 signed [~~made~~] under Section 1023.005, the clerk shall record any  
4 unrecorded papers of the guardianship required to be recorded. On  
5 payment of the clerk's fee, the clerk shall send, using the  
6 electronic filing system established under Section 72.031,  
7 Government Code, [~~transmit in electronic or paper form~~] to the  
8 county clerk of the county to which the guardianship was ordered  
9 transferred:

10           (1) a transfer certificate and index of transferred  
11 documents [~~the case file of the guardianship proceedings~~]; [~~and~~]  
12           (2) a copy of each final order;  
13           (3) a copy of the order of transfer signed by the  
14 transferring court;  
15           (4) a copy of the original papers filed in the  
16 transferring court;  
17           (5) a copy of the transfer certificate and index of  
18 transferred documents from each previous transfer; and  
19           (6) a bill of any costs accrued in the transferring  
20 court [~~a certified copy of the index of the guardianship records~~].

21           (b) The clerk of the transferring court shall use the  
22 standardized transfer certificate and index of transferred  
23 documents form developed by the Office of Court Administration of  
24 the Texas Judicial System under Section 72.037, Government Code,  
25 when transferring a proceeding under this section.

26           (c) The clerk of the transferring court shall keep a copy of  
27 the documents transferred under Subsection (a).

1       (d) The clerk of the court to which the proceeding is  
2 transferred shall:

3               (1) accept documents transferred under Subsection  
4 (a);

5               (2) docket the suit; and

6               (3) notify, using the electronic filing system  
7 established under Section 72.031, Government Code, all parties, the  
8 clerk of the transferring court, and, if appropriate, the  
9 transferring court's local registry that the suit has been  
10 docketed.

11       (e) The clerk of the transferee court shall physically or  
12 electronically mark or stamp the transfer certificate and index of  
13 transferred documents to evidence the date and time of acceptance  
14 under Subsection (d), but may not physically or electronically mark  
15 or stamp any other document transferred under Subsection (a).

16       (f) The clerk of the transferring court shall send a  
17 certified copy of the order directing payments to the transferee  
18 court to:

19               (1) any party affected by the order and, if  
20 appropriate, to the local registry of the transferee court using  
21 the electronic filing system established under Section 72.031,  
22 Government Code; and

23               (2) an employer affected by the order electronically  
24 or by first class mail.

25       (g) The clerks of both the transferee and transferring  
26 courts may each produce under Chapter 51, Government Code,  
27 certified or uncertified copies of documents transferred under

1 Subsection (a) but must include a copy of the transfer certificate  
2 and index of transferred documents with each document produced.

3 (h) Sections 80.001 and 80.002, Government Code, do not  
4 apply to the transfer of documents under this section.

5 SECTION 11.006. Section 1023.007, Estates Code, is amended  
6 to read as follows:

7 Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring  
8 a guardianship does not take effect until the clerk of the court to  
9 which the proceeding is transferred accepts and docketts the case  
10 record under Section 1023.006[+]

11 [~~(1) the case file and a certified copy of the index~~  
12 ~~required by Section 1023.006 are filed in electronic or paper form~~  
13 ~~in the office of the county clerk of the county to which the~~  
14 ~~guardianship was ordered transferred; and~~

15 [~~(2) a certificate under the clerk's official seal and~~  
16 ~~reporting the filing of the case file and a certified copy of the~~  
17 ~~index is filed in electronic or paper form in the court ordering the~~  
18 ~~transfer by the county clerk of the county to which the guardianship~~  
19 ~~was ordered transferred].~~

20 SECTION 11.007. Sections 155.207(a), (b), and (e), Family  
21 Code, are amended to read as follows:

22 (a) Not later than the 10th working day after the date an  
23 order of transfer is signed, the clerk of the court transferring a  
24 proceeding shall send, using the electronic filing system  
25 established under Section 72.031, Government Code, to the proper  
26 court [~~in the county~~] to which transfer is being made:

27 (1) a transfer certificate and index of transferred

1 documents;

2           (2) a copy of each final order;

3           (3) a copy of the order of transfer signed by the  
4 transferring court;

5           (4) a copy of the original papers filed in the  
6 transferring court;

7           (5) a copy of the transfer certificate and index of  
8 transferred documents from each previous transfer; and

9           (6) a bill of any costs that have accrued in the  
10 transferring court.

11           (b) The clerk of the transferring court shall keep a copy of  
12 the documents transferred under Subsection (a) [~~transferred~~  
13 ~~pleadings~~].

14           (e) The clerks of both the transferee and transferring  
15 courts may each produce under Chapter 51, Government Code,  
16 certified or uncertified copies of documents transferred under  
17 Subsection (a) and must [~~filed in a case transferred under this~~  
18 ~~section, but shall also~~] include a copy of the transfer certificate  
19 and index of transferred documents with each document produced.

20           SECTION 11.008. Section 51.3071, Government Code, is  
21 amended by amending Subsection (a) and adding Subsections (f) and  
22 (g) to read as follows:

23           (a) If a case is transferred from a district court to a  
24 constitutional or statutory county court or another district court,  
25 the clerk of the transferring [~~district~~] court shall send to the  
26 [~~county~~] clerk of the court to which the case is transferred, using  
27 the electronic filing system established under Section 72.031:



- 1           (1) a transfer certificate and index of transferred  
2 documents;
- 3           (2) a copy of the original papers filed in the  
4 transferring court;
- 5           (3) a copy of the order of transfer signed by the  
6 transferring court;
- 7           (4) a copy of each final order;
- 8           (5) a copy of the transfer certificate and index of  
9 transferred documents from each previous transfer; and
- 10          (6) a bill of any costs that have accrued in the  
11 transferring court.

12          (f) The clerks of both the transferee and transferring  
13 courts may each produce, under this chapter, certified or  
14 uncertified copies of documents transferred under Subsection (a)  
15 and must include a copy of the transfer certificate and index of  
16 transferred documents with each document produced.

17          (g) This section applies regardless of whether the  
18 transferee court and the transferring court are in the same or  
19 different counties.

20          SECTION 11.009. Section 51.403, Government Code, is amended  
21 by amending Subsection (a) and adding Subsections (d) and (e) to  
22 read as follows:

23          (a) If a case is transferred from a county court to a  
24 district court or a statutory county court or a county court of  
25 another county, the clerk of the transferring [~~county~~] court shall  
26 send to the [~~district~~] clerk of the court to which the case is  
27 transferred, using the electronic filing system established under

1 Section 72.031:

2 (1) a transfer certificate and index of transferred  
3 documents;

4 (2) a copy of the original papers filed in the  
5 transferring court;

6 (3) a copy of the order of transfer signed by the  
7 transferring court;

8 (4) a copy of each final order;

9 (5) a copy of the transfer certificate and index of  
10 transferred documents from each previous transfer; and

11 (6) a bill of any costs that have accrued in the  
12 transferring court.

13 (d) The clerks of both the transferee and transferring  
14 courts may each produce, under this chapter, certified or  
15 uncertified copies of documents transferred under Subsection (a)  
16 and must include a copy of the transfer certificate and index of  
17 transferred documents with each document produced.

18 (e) This section applies regardless of whether the  
19 transferee court and the transferring court are in the same or  
20 different counties.

21 SECTION 11.010. Section 72.037(a), Government Code, is  
22 amended to read as follows:

23 (a) The office shall develop and make available a  
24 standardized transfer certificate and an index of transferred  
25 documents form to be used for the transfer of cases and proceedings  
26 under Sections 33.105 and 1023.006, Estates Code, Section 155.207,  
27 Family Code, and Sections 51.3071 and 51.403 of this code.

1           SECTION 11.011. Section 33.103(c), Estates Code, is  
2 repealed.

3           SECTION 11.012. As soon as practicable after the effective  
4 date of this Act, the Office of Court Administration of the Texas  
5 Judicial System shall adopt rules and develop and make available  
6 all forms and materials required by Section 72.037, Government  
7 Code, as amended by this Act.

8                           ARTICLE 12. CRIMINAL PROCEDURE

9           SECTION 12.001. (a) Section 3(b), Article 11.07, Code of  
10 Criminal Procedure, is amended to read as follows:

11           (b) An application for writ of habeas corpus filed after  
12 final conviction in a felony case, other than a case in which the  
13 death penalty is imposed, must be filed with the clerk of the court  
14 in which the conviction being challenged was obtained, and the  
15 clerk shall assign the application to that court. When the  
16 application is received by that court, a writ of habeas corpus,  
17 returnable to the Court of Criminal Appeals, shall issue by  
18 operation of law. The clerk of that court shall make appropriate  
19 notation thereof, assign to the case a file number (ancillary to  
20 that of the conviction being challenged), and forward a copy of the  
21 application by certified mail, return receipt requested, by  
22 [~~secure~~] electronic mail, or by personal service to the attorney  
23 representing the state in that court, who shall answer the  
24 application not later than the 30th day after the date the copy of  
25 the application is received. Matters alleged in the application  
26 not admitted by the state are deemed denied.

27           (b) Section 3(b), Article 11.07, Code of Criminal

1 Procedure, as amended by this section, applies only to an  
2 application for a writ of habeas corpus filed on or after September  
3 1, 2023. An application filed before that date is governed by the  
4 law in effect on the date the application was filed, and the former  
5 law is continued in effect for that purpose.

6 SECTION 12.002. Article 18.01(d), Code of Criminal  
7 Procedure, is amended to read as follows:

8 (d) Only the specifically described property or items set  
9 forth in a search warrant issued under Article 18.02(a)(10) or  
10 property, items or contraband enumerated in Article 18.02(a)(1),  
11 (2), (3), (4), (5), (6), (7), (8), (9), or (12) may be seized. A  
12 subsequent search warrant may be issued pursuant to Article  
13 18.02(a)(10) to search the same person, place, or thing subjected  
14 to a prior search under Article 18.02(a)(10) only if the subsequent  
15 search warrant is issued by a judge of a statutory county court, a  
16 district court, a court of appeals, the court of criminal appeals,  
17 or the supreme court.

18 SECTION 12.003. Article 18.0215(b), Code of Criminal  
19 Procedure, is amended to read as follows:

20 (b) A warrant under this article may be issued only by a  
21 judge, including a judge of a statutory county court, in the same  
22 judicial district as the site of:

23 (1) the law enforcement agency that employs the peace  
24 officer, if the cellular telephone or other wireless communications  
25 device is in the officer's possession; or

26 (2) the likely location of the telephone or device.

27 SECTION 12.004. Sections 4-c(a), (c), (d), and (e), Article

1 38.01, Code of Criminal Procedure, are amended to read as follows:

2 (a) On a determination by the commission that a license  
3 holder or crime laboratory has committed professional negligence or  
4 professional misconduct under this article, violated the code of  
5 professional responsibility under this article, or otherwise  
6 violated this article or a rule or order of the commission under  
7 this article, the commission may, as applicable:

8 (1) revoke or suspend the person's license or crime  
9 laboratory's accreditation;

10 (2) refuse to renew the person's license or crime  
11 laboratory's accreditation; or

12 (3) reprimand the license holder or crime laboratory.

13 (c) The commission shall give written notice by certified  
14 mail of a determination described by Subsection (a) to the  
15 applicable [a] license holder or crime laboratory [~~who is the~~  
16 ~~subject of the determination~~]. The notice must:

17 (1) include a brief summary of the alleged negligence,  
18 misconduct, or violation;

19 (2) state the disciplinary action taken by the  
20 commission; and

21 (3) inform the license holder or crime laboratory of  
22 the license holder's or crime laboratory's right to a hearing before  
23 the Judicial Branch Certification Commission on the occurrence of  
24 the negligence, misconduct, or violation, the imposition of a  
25 disciplinary action, or both.

26 (d) Not later than the 20th day after the date the license  
27 holder or crime laboratory receives the notice under Subsection

1 (c), the license holder or crime laboratory may accept the  
2 disciplinary action or request a hearing by submitting a written  
3 request to the Judicial Branch Certification Commission to contest  
4 the findings of fact or conclusions of law, the occurrence of the  
5 negligence, misconduct, or violation, or the imposition of a  
6 disciplinary action, as applicable. If the license holder or crime  
7 laboratory fails to timely submit a request, the commission's  
8 disciplinary action becomes final and is not subject to review by  
9 the Judicial Branch Certification Commission.

10 (e) If the license holder or crime laboratory requests a  
11 hearing, the Judicial Branch Certification Commission shall  
12 conduct a hearing to determine whether there is substantial  
13 evidence to support the determination under Subsection (a) that the  
14 negligence, misconduct, or violation occurred [~~license holder~~  
15 ~~committed professional misconduct or violated this article or a~~  
16 ~~commission rule or order under this article~~]. If the Judicial  
17 Branch Certification Commission upholds the determination, the  
18 Judicial Branch Certification Commission shall determine the type  
19 of disciplinary action to be taken. The Judicial Branch  
20 Certification Commission shall conduct the hearing, and any appeal  
21 of that commission's decision, in accordance with the procedures  
22 provided by Subchapter B, Chapter 153, Government Code, as  
23 applicable, and the rules of the Judicial Branch Certification  
24 Commission.

25 SECTION 12.005. Article 42.15, Code of Criminal Procedure,  
26 is amended by adding Subsection (a-2) to read as follows:

27 (a-2) A defendant may waive the requirement for the inquiry

1 described by Subsection (a-1) to be on the record.

2 SECTION 12.006. (a) Section 2a(a), Article 55.02, Code of  
3 Criminal Procedure, is amended to read as follows:

4 (a) A person who is entitled to expunction of information  
5 contained in records and files under Article 55.01(d) may file an  
6 application for expunction with the attorney representing the state  
7 in the prosecution of felonies in the county in which:

8 (1) the person resides; or

9 (2) the offense was alleged to have occurred.

10 (b) Section 2a(a), Article 55.02, Code of Criminal  
11 Procedure, as amended by this section, applies to an expunction of  
12 information contained in arrest records and files relating to any  
13 criminal offense occurring before, on, or after September 1, 2023.

14 ARTICLE 13. PROBATE PROCEEDINGS

15 SECTION 13.001. Section 152.001, Estates Code, is amended  
16 to read as follows:

17 Sec. 152.001. APPLICATION AUTHORIZED. (a) Subject to  
18 Subsection (b), a person qualified to serve as an administrator  
19 under Section 304.001 may file an application requesting emergency  
20 intervention by a court exercising probate jurisdiction to provide  
21 for:

22 (1) the payment or reimbursement of the decedent's  
23 funeral and burial expenses; or

24 (2) the protection and storage of personal property  
25 owned by the decedent that, on the date of the decedent's death, was  
26 located in accommodations rented by the decedent.

27 (b) An applicant may file an application under this section

1 only if:

2 (1) an application or affidavit has not been filed and  
3 is not pending under Section 256.052, 256.054, or 301.052 or  
4 Chapter 205 or 401; and

5 (2) the applicant needs to:

6 (A) obtain funds for the payment or reimbursement  
7 of the decedent's funeral and burial expenses; or

8 (B) gain access to accommodations rented by the  
9 decedent that contain the decedent's personal property and the  
10 applicant has been denied access to those accommodations.

11 SECTION 13.002. Sections 152.002(a) and (b), Estates Code,  
12 are amended to read as follows:

13 (a) An emergency intervention application must be sworn and  
14 must contain:

15 (1) the applicant's name, address, and interest;

16 (2) facts showing an immediate necessity for the  
17 issuance of an emergency intervention order under Subchapter B;

18 (3) the decedent's date of death, place of death, and  
19 residential address on the date of death;

20 (4) the name and address of the funeral home holding  
21 the decedent's remains or paid by the applicant for the decedent's  
22 funeral and burial; and

23 (5) the names of any known or ascertainable heirs and  
24 devisees of the decedent.

25 (b) In addition to the information required under  
26 Subsection (a), if emergency intervention is requested to obtain  
27 funds needed for the payment or reimbursement of the decedent's



1 funeral and burial expenses, the application must also contain:

2 (1) the reason any known or ascertainable heirs and  
3 devisees of the decedent:

4 (A) cannot be contacted; or

5 (B) have refused to assist in the decedent's  
6 burial;

7 (2) a description of necessary funeral and burial  
8 procedures and a statement from the funeral home that contains a  
9 detailed and itemized description of the cost of those procedures;  
10 ~~and~~

11 (3) the name and address of an individual, entity, or  
12 financial institution, including an employer, in possession of any  
13 funds of or due to the decedent, and related account numbers and  
14 balances, if known by the applicant; and

15 (4) if applicable, the amount paid by the applicant  
16 for the funeral and burial procedures described by Subdivision (2).

17 SECTION 13.003. Section 152.003, Estates Code, is amended  
18 to read as follows:

19 Sec. 152.003. ADDITIONAL CONTENTS OF APPLICATION:  
20 INSTRUCTIONS REGARDING DECEDENT'S FUNERAL AND REMAINS. (a) In  
21 addition to the information required under Section 152.002, if  
22 emergency intervention is requested to obtain funds needed for the  
23 payment or reimbursement of a decedent's funeral and burial  
24 expenses, the application must also state whether there are or were  
25 any written instructions from the decedent relating to the type and  
26 manner of funeral or burial preferred by the decedent. The  
27 applicant shall:

1           (1) attach the instructions, if available, to the  
2 application; and

3           (2) fully comply, or must have fully complied, as  
4 appropriate, with the instructions.

5           (b) If written instructions do not exist, the applicant may  
6 not permit or have permitted the decedent's remains to be cremated  
7 unless the applicant obtains or obtained the court's permission to  
8 cremate the remains.

9           SECTION 13.004. Section 152.004, Estates Code, is amended  
10 to read as follows:

11           Sec. 152.004. TIME AND PLACE OF FILING. An emergency  
12 intervention application must be filed:

13           (1) with the court clerk in the county in which:

14                   (A) the decedent was domiciled; or

15                   (B) the accommodations rented by the decedent  
16 that contain the decedent's personal property are located; and

17           (2) not earlier than the third day after the date of  
18 the decedent's death and not later than nine months [~~the 90th day~~]  
19 after the date of the decedent's death.

20           SECTION 13.005. Section 152.051, Estates Code, is amended  
21 to read as follows:

22           Sec. 152.051. ISSUANCE OF ORDER REGARDING FUNERAL AND  
23 BURIAL EXPENSES. If on review of an application filed under Section  
24 152.001 the court determines that emergency intervention is  
25 necessary to obtain funds needed for the payment or reimbursement  
26 of a decedent's funeral and burial expenses, the court may order  
27 funds of the decedent that are being held by an individual, an

1 employer, or a financial institution to be paid directly to a  
2 funeral home or the applicant, as applicable, only for:

3 (1) reasonable and necessary attorney's fees for the  
4 attorney who obtained the order;

5 (2) court costs for obtaining the order; and

6 (3) funeral and burial expenses not to exceed \$5,000  
7 as ordered by the court to provide the decedent with or to provide  
8 reimbursement for a reasonable, dignified, and appropriate funeral  
9 and burial.

10 SECTION 13.006. Sections 152.001, 152.002(a) and (b),  
11 152.003, 152.004, and 152.051, Estates Code, as amended by this  
12 article, apply only to an application requesting emergency  
13 intervention that is filed on or after September 1, 2023. An  
14 application that is filed before September 1, 2023, is governed by  
15 the law in effect at the time the application was filed, and the  
16 former law is continued in effect for that purpose.

17 ARTICLE 14. JUVENILE BOARDS

18 SECTION 14.001. Section 152.0671(a), Human Resources Code,  
19 is amended to read as follows:

20 (a) The Denton County Juvenile Board is composed of the  
21 county judge, the district judges in Denton County, and the judge of  
22 any county court at law [~~statutory court~~] in the county.

23 SECTION 14.002. Section 152.2264, Human Resources Code, is  
24 amended to read as follows:

25 Sec. 152.2264. TARRANT COUNTY CRIMINAL COURT  
26 ADMINISTRATOR. (a) Subject to the approval of the commissioners  
27 court, the judges of the district courts that give preference to

1 criminal cases, the judges of the criminal district courts, and the  
2 judges of the county criminal courts of Tarrant County [~~and county~~  
3 ~~courts in Tarrant County that give preference to criminal matters~~]  
4 may use the services of a criminal courts administrator.

5 (b) A judge may not be subjected to a suit for, and is immune  
6 from liability for damages arising from, an act or omission  
7 committed while performing a duty under this section unless the act  
8 or omission is:

9 (1) committed intentionally, wilfully, or wantonly;  
10 or

11 (2) committed with:

12 (A) gross negligence; [~~or~~]

13 (B) conscious indifference [~~or reckless~~  
14 ~~disregard~~] for the safety of others; or

15 (C) reckless disregard for the safety of others.

16 ARTICLE 15. TEXAS INDIGENT DEFENSE COMMISSION

17 SECTION 15.001. Effective June 1, 2023, Section 79.012(b),  
18 Government Code, is amended to read as follows:

19 (b) The executive director:

20 (1) [~~must be a licensed attorney,~~

21 [~~2~~] must demonstrate an interest in the standards  
22 for and provision of criminal defense services to indigent  
23 individuals;

24 (2) [~~3~~] may not engage in the private practice of  
25 law; and

26 (3) [~~4~~] may not accept money, property, or any other  
27 thing of value not authorized by law for services rendered under

1 this chapter.

2 ARTICLE 16. ADMINISTRATION OF OATHS

3 SECTION 16.001. Section 602.002, Government Code, is  
4 amended to read as follows:

5 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this  
6 state may be administered and a certificate of the fact given by:

7 (1) a judge, retired judge, or clerk of a municipal  
8 court;

9 (2) a judge, retired judge, senior judge, clerk, or  
10 commissioner of a court of record;

11 (3) a justice of the peace, a retired justice of the  
12 peace, or a clerk of a justice court;

13 (4) an associate judge, magistrate, master, referee,  
14 or criminal law hearing officer;

15 (5) a notary public;

16 (6) a member of a board or commission created by a law  
17 of this state, in a matter pertaining to a duty of the board or  
18 commission;

19 (7) a person employed by the Texas Ethics Commission  
20 who has a duty related to a report required by Title 15, Election  
21 Code, in a matter pertaining to that duty;

22 (8) a county tax assessor-collector or an employee of  
23 the county tax assessor-collector if the oath relates to a document  
24 that is required or authorized to be filed in the office of the  
25 county tax assessor-collector;

26 (9) the secretary of state or a former secretary of  
27 state;

1           (10) an employee of a personal bond office, or an  
2 employee of a county, who is employed to obtain information  
3 required to be obtained under oath if the oath is required or  
4 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of  
5 Criminal Procedure;

6           (11) the lieutenant governor or a former lieutenant  
7 governor;

8           (12) the speaker of the house of representatives or a  
9 former speaker of the house of representatives;

10           (13) the governor or a former governor;

11           (14) a legislator or retired legislator;

12           (14-a) the secretary of the senate or the chief clerk  
13 of the house of representatives;

14           (15) the attorney general or a former attorney  
15 general;

16           (16) the secretary or clerk of a municipality in a  
17 matter pertaining to the official business of the municipality;

18           (17) a peace officer described by Article 2.12, Code  
19 of Criminal Procedure, if:

20                   (A) the oath is administered when the officer is  
21 engaged in the performance of the officer's duties; and

22                   (B) the administration of the oath relates to the  
23 officer's duties; or

24           (18) a county treasurer.

25                   ARTICLE 17. APPELLATE RECORD

26           SECTION 17.001. (a) Subchapter B, Chapter 51, Civil  
27 Practice and Remedies Code, is amended by adding Section 51.018 to

1 read as follows:

2 Sec. 51.018. APPENDIX IN LIEU OF CLERK'S RECORD. (a) Not  
3 later than the 10th day after the date that a party files a notice of  
4 appeal for a civil suit, the party may notify the trial court and  
5 the court of appeals that the party will file an appendix that  
6 replaces the clerk's record for the appeal.

7 (b) The party must file the appendix with the party's  
8 appellate brief. Except in an expedited proceeding or by order of  
9 the court, the brief and appendix must be filed not later than the  
10 30th day after the later of:

11 (1) the date that the party provided notice under  
12 Subsection (a); or

13 (2) the date that a reporter's record, if any, is filed  
14 with the court of appeals.

15 (c) An appendix filed under this section must contain a  
16 file-stamped copy of each document required by Rule 34.5, Texas  
17 Rules of Appellate Procedure, for a civil suit and any other item  
18 the party intends to reference in the party's brief. The appendix  
19 may not contain a document that has not been filed with the trial  
20 court except by agreement of the parties to the appeal.

21 (d) An appendix filed in accordance with this section  
22 becomes part of the appellate record. A court clerk may not prepare  
23 or file a clerk's record or assess a fee for preparing a clerk's  
24 record if a party files an appendix in accordance with this section.

25 (b) Section 51.018, Civil Practice and Remedies Code, as  
26 added by this section, applies only to a party that files a notice  
27 of appeal on or after January 1, 2024. A party that files a notice

1 of appeal before January 1, 2024, is governed by the law in effect  
2 on the date the notice was given, and the former law is continued in  
3 effect for that purpose.

4 ARTICLE 18. DELIVERY OF DOCUMENTS

5 SECTION 18.001. The heading to Chapter 80, Government Code,  
6 is amended to read as follows:

7 CHAPTER 80. DELIVERY OF NOTICE, ORDERS, AND DOCUMENTS

8 SECTION 18.002. Section 80.001, Government Code, is amended  
9 to read as follows:

10 Sec. 80.001. DELIVERY OF NOTICE OR DOCUMENT. A court,  
11 justice, judge, magistrate, or clerk may send any notice or  
12 document by a method authorized by Section 80.002(a) [~~80.002~~].

13 SECTION 18.003. Section 80.002, Government Code, is amended  
14 to read as follows:

15 Sec. 80.002. [~~AUTHORIZED~~] DELIVERY OF NOTICE, ORDER, OR  
16 DOCUMENT. (a) A court, justice, judge, magistrate, or clerk may  
17 send any notice or document using mail or electronic mail. This  
18 subsection [~~section~~] applies to all civil and criminal statutes  
19 requiring delivery of a notice or document.

20 (b) In addition to any other delivery method required or  
21 authorized by law or supreme court rule, a statutory county court,  
22 district court, or appellate court shall deliver through the  
23 electronic filing system established under Section 72.031 to all  
24 parties in each case in which the use of the electronic filing  
25 system is required or authorized all court orders the court enters  
26 for the case.



1                                   ARTICLE 19. SERVICE OF PROCESS  
2           SECTION 19.001. Chapter 30, Civil Practice and Remedies  
3 Code, is amended by adding Section 30.0035 to read as follows:  
4           Sec. 30.0035. PERSONAL SERVICE OF PROCESS DURING  
5 LEGISLATIVE PROCEEDING PROHIBITED. A person may not serve citation  
6 or other civil process in person on a member, officer, or employee  
7 of the senate or house of representatives during any legislative  
8 proceeding. A court shall quash any service made in violation of  
9 this section. The supreme court shall revoke the certification of a  
10 process server who violates this section. This section is not  
11 subject to Section 22.004(c), Government Code.

12                                   ARTICLE 20. EFFECTIVE DATE  
13           SECTION 20.001. (a) Except as otherwise provided by this  
14 Act and Subsection (b) of this section, this Act takes effect  
15 September 1, 2023.  
16           (b) Article 15 of this Act takes effect immediately if this  
17 Act receives a vote of two-thirds of all the members elected to each  
18 house, as provided by Section 39, Article III, Texas Constitution.  
19 If this Act does not receive the vote necessary for immediate  
20 effect, Article 15 of this Act takes effect September 1, 2023.

H.B. No. 3474

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3474 was passed by the House on May 2, 2023, by the following vote: Yeas 141, Nays 2, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3474 on May 25, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3474 on May 28, 2023, by the following vote: Yeas 132, Nays 2, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 3474

I certify that H.B. No. 3474 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3474 on May 28, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3929 was passed by the House on May 4, 2023, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3929 was passed by the Senate on May 21, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

1 AN ACT  
2 relating to the suspension of a money judgment pending appeal in a  
3 civil action.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 52, Civil Practice and Remedies Code, is  
6 amended by adding Section 52.007 to read as follows:

7 Sec. 52.007. ALTERNATIVE SECURITY IN CERTAIN CASES. (a)  
8 This section applies only to a judgment debtor with a net worth of  
9 less than \$10 million.

10 (b) On a showing by the judgment debtor that posting  
11 security in the amount required under Section 52.006(a) or (b)  
12 would require the judgment debtor to substantially liquidate the  
13 judgment debtor's interests in real or personal property necessary  
14 to the normal course of the judgment debtor's business, the trial  
15 court shall allow the judgment debtor to post alternative security  
16 with a value sufficient to secure the judgment.

17 (c) During an appeal, the judgment debtor shall continue to  
18 manage, use, and receive earnings from interests in real or  
19 personal property in the normal course of business.

20 (d) If an appellate court reduces the amount of the judgment  
21 that the trial court used to set security, the judgment debtor is  
22 entitled, pending appeal of the judgment to a court of last resort,  
23 to a redetermination of the amount of security required to suspend  
24 enforcement of a judgment under Section 52.006 or under Rule 24,

1 Texas Rules of Appellate Procedure.

2           SECTION 2. The change in law made by this Act applies only  
3 to a civil action commenced on or after the effective date of this  
4 Act. A civil action commenced before the effective date of this Act  
5 is governed by the law in effect immediately before the effective  
6 date of this Act, and that law is continued in effect for that  
7 purpose.

8           SECTION 3. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 4381 was passed by the House on May 2, 2023, by the following vote: Yeas 130, Nays 15, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 4381 was passed by the Senate on May 17, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_  
Date

\_\_\_\_\_  
Governor



1 AN ACT  
2 relating to creating a criminal offense for the unauthorized  
3 disclosure of non-public judicial opinions and judicial work  
4 product.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 21, Government Code, is amended by  
7 adding Section 21.013 to read as follows:

8 Sec. 21.013. CONFIDENTIALITY OF JUDICIAL WORK PRODUCT;  
9 CRIMINAL OFFENSE. (a) In this section:

10 (1) "Judicial work product" means written,  
11 electronic, or oral material prepared or communications made in the  
12 course of an adjudicatory proceeding before a court determining  
13 legal rights, powers, duties, or privileges. The term includes all  
14 drafts of opinions or orders and memoranda of law.

15 (2) "Non-public judicial work product" means:

16 (A) any written or electronic judicial work  
17 product other than documents filed with the clerk of a court for  
18 release to the public; or

19 (B) any oral statement relating to judicial work  
20 product made in a closed session of a court or in judicial chambers.

21 (b) This section applies to:

22 (1) a court established under Section 1, Article V,  
23 Texas Constitution, other than a commissioners court; and

24 (2) a court subject to this subtitle.

1           (c) A justice or judge of a court shall comply with supreme  
2 court rules governing the confidentiality of non-public judicial  
3 work product.

4           (d) A person, other than a justice or judge, who is involved  
5 in crafting an opinion or decision for an adjudicatory proceeding,  
6 including a court staff attorney, court clerk, or law clerk, shall  
7 maintain the confidentiality of all non-public judicial work  
8 product in accordance with supreme court rules.

9           (e) A person, other than a justice or judge, with access to  
10 non-public judicial work product commits an offense if the person  
11 knowingly discloses, wholly or partly, the contents of any  
12 non-public judicial work product to a person who is not a justice,  
13 judge, court staff attorney, court clerk, law clerk, employee of an  
14 agency established under Chapter 71 or 72, or other court staff  
15 routinely involved in crafting an opinion or decision for an  
16 adjudicatory proceeding.

17           (f) An offense under this section is a Class A misdemeanor.

18           (g) It is a defense to prosecution under this section that  
19 the disclosure of the non-public judicial work product is  
20 authorized:

21                   (1) in writing by the justice or judge for whom the  
22 work product is prepared; or

23                   (2) under supreme court rules.

24           SECTION 2. As soon as practicable after the effective date  
25 of this Act, the Texas Supreme Court shall adopt any rules necessary  
26 to implement Section 21.013, Government Code, as added by this Act.

27           SECTION 3. This Act takes effect September 1, 2023.

S.B. No. 372

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 372 passed the Senate on March 8, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 372 passed the House on May 19, 2023, by the following vote: Yeas 142, Nays 1, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

1 AN ACT  
2 relating to payment of certain court costs associated with  
3 interpreters.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Section 57.002, Government Code,  
6 is amended to read as follows:

7 Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER;  
8 CART PROVIDER LIST; PAYMENT OF INTERPRETER COSTS.

9 SECTION 2. Section 57.002, Government Code, is amended by  
10 adding Subsections (g), (h), and (i) to read as follows:

11 (g) A party to a proceeding in a court who files a statement  
12 of inability to afford payment of court costs under Rule 145, Texas  
13 Rules of Civil Procedure, is not required to provide an interpreter  
14 at the party's expense or pay the costs associated with the services  
15 of an interpreter appointed under this section that are incurred  
16 during the course of the action, unless the statement has been  
17 contested and the court has ordered the party to pay costs pursuant  
18 to Rule 145. Nothing in this subsection is intended to apply to  
19 interpreter services or other auxiliary aids for individuals who  
20 are deaf, hard of hearing, or have communication disabilities,  
21 which shall be provided to those individuals free of charge  
22 pursuant to federal and state laws.

23 (h) Each county auditor, or other individual designated by  
24 the commissioners court of a county, in consultation with the

1 district and county clerks shall submit to the Office of Court  
2 Administration of the Texas Judicial System, in the manner  
3 prescribed by the office, information on the money the county spent  
4 during the preceding fiscal year to provide court-ordered  
5 interpretation services in civil and criminal proceedings. The  
6 information must include:

- 7           (1) the number of interpreters appointed;  
8           (2) the number of interpreters appointed for parties  
9 or witnesses who are indigent;  
10           (3) the amount of money the county spent to provide  
11 court-ordered interpretation services; and  
12           (4) for civil proceedings, whether a party to the  
13 proceeding filed a statement of inability to afford payment of  
14 court costs under Rule 145, Texas Rules of Civil Procedure,  
15 applicable to the appointment of an interpreter.

16           (i) Not later than December 1 of each year, the Office of  
17 Court Administration of the Texas Judicial System shall:

- 18           (1) submit to the legislature a report that aggregates  
19 by county the information submitted under Subsection (h) for the  
20 preceding fiscal year; and  
21           (2) publish the report on the office's Internet  
22 website.

23           SECTION 3. The change in law made by this Act applies to an  
24 action pending on the effective date of this Act or filed on or  
25 after the effective date of this Act.

26           SECTION 4. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

S.B. No. 380

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 380 passed the Senate on  
March 27, 2023, by the following vote: Yeas 26, Nays 4.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 380 passed the House on  
May 9, 2023, by the following vote: Yeas 113, Nays 30, two  
present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

1 AN ACT  
2 relating to the creation of the Fifteenth Court of Appeals with  
3 jurisdiction over certain civil cases, the compensation of the  
4 justices of that court, and the jurisdiction of the courts of  
5 appeals in this state.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. FIFTEENTH COURT OF APPEALS

8 SECTION 1.01. Section 22.201, Government Code, is amended  
9 by amending Subsection (a) and adding Subsection (p) to read as  
10 follows:

11 (a) The state is organized [~~divided~~] into 15 [~~14~~] courts of  
12 appeals districts with a court of appeals in each district.

13 (p) The Fifteenth Court of Appeals District is composed of  
14 all counties in this state.

15 SECTION 1.02. Subchapter C, Chapter 22, Government Code, is  
16 amended by adding Section 22.2151 to read as follows:

17 Sec. 22.2151. FIFTEENTH COURT OF APPEALS. (a) The Court of  
18 Appeals for the Fifteenth Court of Appeals District shall be held in  
19 the City of Austin.

20 (b) The Fifteenth Court of Appeals may transact its business  
21 in any county in the district as the court determines is necessary  
22 and convenient.

23 SECTION 1.03. Subchapter C, Chapter 22, Government Code, is  
24 amended by adding Section 22.2152 to read as follows:

1           Sec. 22.2152. REPORT ON FIFTEENTH COURT OF APPEALS. Not  
2 later than December 1 of each year, the Office of Court  
3 Administration of the Texas Judicial System shall submit to the  
4 legislature a report on the number and types of cases heard by the  
5 Court of Appeals for the Fifteenth Court of Appeals District in the  
6 preceding state fiscal year.

7           SECTION 1.04. Section 22.216, Government Code, is amended  
8 by adding Subsections (n-1) and (n-2) to read as follows:

9           (n-1) The Court of Appeals for the Fifteenth Court of  
10 Appeals District consists of a chief justice and of four justices  
11 holding places numbered consecutively beginning with Place 2.

12           (n-2) Notwithstanding Subsection (n-1), the Court of  
13 Appeals for the Fifteenth Court of Appeals District consists of a  
14 chief justice and of two justices holding places numbered  
15 consecutively beginning with Place 2 for the first three years  
16 following the court's creation. This subsection expires September  
17 1, 2027.

18           SECTION 1.05. Section 22.220, Government Code, is amended  
19 by amending Subsection (a) and adding Subsection (d) to read as  
20 follows:

21           (a) Except as provided by Subsection (d), each ~~[Each]~~ court  
22 of appeals has appellate jurisdiction of all civil cases within its  
23 district of which the district courts or county courts have  
24 jurisdiction when the amount in controversy or the judgment  
25 rendered exceeds \$250, exclusive of interest and costs.

26           (d) The Court of Appeals for the Fifteenth Court of Appeals  
27 District has exclusive intermediate appellate jurisdiction over



1 the following matters arising out of or related to a civil case:

2 (1) matters brought by or against the state or a board,  
3 commission, department, office, or other agency in the executive  
4 branch of the state government, including a university system or  
5 institution of higher education as defined by Section 61.003,  
6 Education Code, or by or against an officer or employee of the state  
7 or a board, commission, department, office, or other agency in the  
8 executive branch of the state government arising out of that  
9 officer's or employee's official conduct, other than:

10 (A) a proceeding brought under the Family Code  
11 and any related motion or proceeding;

12 (B) a proceeding brought under Chapter 7B or  
13 Article 17.292, Code of Criminal Procedure;

14 (C) a proceeding brought against a district  
15 attorney, a criminal district attorney, or a county attorney with  
16 criminal jurisdiction;

17 (D) a proceeding relating to a mental health  
18 commitment;

19 (E) a proceeding relating to civil asset  
20 forfeiture;

21 (F) a condemnation proceeding for the  
22 acquisition of land or a proceeding related to eminent domain;

23 (G) a proceeding brought under Chapter 101, Civil  
24 Practice and Remedies Code;

25 (H) a claim of personal injury or wrongful death;

26 (I) a proceeding brought under Chapter 125, Civil  
27 Practice and Remedies Code, to enjoin a common nuisance;

1                   (J) a proceeding brought under Chapter 55, Code  
2 of Criminal Procedure;

3                   (K) a proceeding under Chapter 22A, Government  
4 Code;

5                   (L) a proceeding brought under Subchapter E-1,  
6 Chapter 411, Government Code;

7                   (M) a proceeding brought under Chapter 21, Labor  
8 Code;

9                   (N) a removal action under Chapter 87, Local  
10 Government Code; or

11                   (O) a proceeding brought under Chapter 841,  
12 Health and Safety Code;

13                   (2) matters in which a party to the proceeding files a  
14 petition, motion, or other pleading challenging the  
15 constitutionality or validity of a state statute or rule and the  
16 attorney general is a party to the case; and

17                   (3) any other matter as provided by law.

18           SECTION 1.06. Section 22.221, Government Code, is amended  
19 by amending Subsection (b) and adding Subsections (c) and (c-1) to  
20 read as follows:

21           (b) Subject to Subsection (c-1), each ~~Each~~ court of  
22 appeals for a court of appeals district may issue all writs of  
23 mandamus, agreeable to the principles of law regulating those  
24 writs, against [+]

25                   ~~[-1-]~~ a judge of a district, statutory county,  
26 statutory probate county, or county court in the court of appeals  
27 district[+]

1           ~~[(2) a judge of a district court who is acting as a~~  
2 ~~magistrate at a court of inquiry under Chapter 52, Code of Criminal~~  
3 ~~Procedure, in the court of appeals district; or~~

4           ~~[(3) an associate judge of a district or county court~~  
5 ~~appointed by a judge under Chapter 201, Family Code, in the court of~~  
6 ~~appeals district for the judge who appointed the associate judge].~~

7           (c) Each court of appeals for a court of appeals district,  
8 other than the Court of Appeals for the Fifteenth Court of Appeals  
9 District, may issue all writs of mandamus, agreeable to the  
10 principles of law regulating those writs, against:

11           (1) a judge of a district court who is acting as a  
12 magistrate at a court of inquiry under Chapter 52, Code of Criminal  
13 Procedure, in the court of appeals district; or

14           (2) an associate judge of a district or county court  
15 appointed by a judge under Chapter 201, Family Code, in the court of  
16 appeals district for the judge who appointed the associate judge.

17           (c-1) The original jurisdiction of the Court of Appeals for  
18 the Fifteenth Court of Appeals District to issue writs is limited to  
19 writs arising out of matters over which the court has exclusive  
20 intermediate appellate jurisdiction under Section 22.220(d).

21           SECTION 1.07. Section 22.229(a), Government Code, is  
22 amended to read as follows:

23           (a) An appellate judicial system fund is established for  
24 each court of appeals, other than the Court of Appeals of the  
25 Fifteenth Court of Appeals District, to:

26           (1) assist the court of appeals in the processing of  
27 appeals filed with the court of appeals from the county courts,

1 statutory county courts, statutory probate courts, and district  
2 courts in the counties the court of appeals serves; and

3 (2) defray costs and expenses incurred in the  
4 operation of the court of appeals.

5 SECTION 1.08. Section 73.001, Government Code, is amended  
6 to read as follows:

7 Sec. 73.001. AUTHORITY TO TRANSFER. (a) Except as provided  
8 by Subsection (b), the ~~The~~ supreme court may order cases  
9 transferred from one court of appeals to another at any time that,  
10 in the opinion of the supreme court, there is good cause for the  
11 transfer.

12 (b) The supreme court may not transfer any case or  
13 proceeding properly filed in the Court of Appeals for the Fifteenth  
14 Court of Appeals District to another court of appeals for the  
15 purpose of equalizing the dockets of the courts of appeals.

16 (c) The supreme court shall adopt rules for:

17 (1) transferring an appeal inappropriately filed in  
18 the Fifteenth Court of Appeals to a court of appeals with  
19 jurisdiction over the appeal; and

20 (2) transferring to the Fifteenth Court of Appeals  
21 from another court of appeals the appeals over which the Fifteenth  
22 Court of Appeals has exclusive intermediate appellate jurisdiction  
23 under Section 22.220(d).

24 SECTION 1.09. Section 659.012(a), Government Code, is  
25 amended to read as follows:

26 (a) Notwithstanding Section 659.011 and subject to  
27 Subsections (b) and (b-1):

1           (1) a judge of a district court is entitled to an  
2 annual base salary from the state as set by the General  
3 Appropriations Act in an amount equal to at least \$140,000, except  
4 that the combined base salary of a district judge from all state and  
5 county sources, including compensation for any extrajudicial  
6 services performed on behalf of the county, may not exceed the  
7 amount that is \$5,000 less than the maximum combined base salary  
8 from all state and county sources for a justice of a court of  
9 appeals other than a chief justice as determined under this  
10 subsection;

11           (2) except as provided by Subdivision (3), a justice  
12 of a court of appeals other than the chief justice is entitled to an  
13 annual base salary from the state in the amount equal to 110 percent  
14 of the state base salary of a district judge as set by the General  
15 Appropriations Act, except that the combined base salary of a  
16 justice of the court of appeals other than the chief justice from  
17 all state and county sources, including compensation for any  
18 extrajudicial services performed on behalf of the county, may not  
19 exceed the amount that is \$5,000 less than the base salary for a  
20 justice of the supreme court as determined under this subsection;

21           (3) a justice of the Court of Appeals for the Fifteenth  
22 Court of Appeals District other than the chief justice is entitled  
23 to an annual base salary from the state in the amount equal to  
24 \$5,000 less than 120 percent of the state base salary of a district  
25 judge as set by the General Appropriations Act;

26           (4) a justice of the supreme court other than the chief  
27 justice or a judge of the court of criminal appeals other than the

1 presiding judge is entitled to an annual base salary from the state  
2 in the amount equal to 120 percent of the state base salary of a  
3 district judge as set by the General Appropriations Act; and

4           (5) [~~4~~] the chief justice or presiding judge of an  
5 appellate court is entitled to an annual base salary from the state  
6 in the amount equal to \$2,500 more than the state base salary  
7 provided for the other justices or judges of the court, except that  
8 the combined base salary of the chief justice of a court of appeals  
9 from all state and county sources may not exceed the amount equal to  
10 \$2,500 less than the base salary for a justice of the supreme court  
11 as determined under this subsection.

12           SECTION 1.10. Section 2001.038(f), Government Code, is  
13 amended to read as follows:

14           (f) A Travis County district court in which an action is  
15 brought under this section, on its own motion or the motion of any  
16 party, may request transfer of the action to the Court of Appeals  
17 for the Fifteenth [~~Third~~] Court of Appeals District if the district  
18 court finds that the public interest requires a prompt,  
19 authoritative determination of the validity or applicability of the  
20 rule in question and the case would ordinarily be appealed. After  
21 filing of the district court's request with the court of appeals,  
22 transfer of the action may be granted by the court of appeals if it  
23 agrees with the findings of the district court concerning the  
24 application of the statutory standards to the action. On entry of  
25 an order by the court of appeals granting transfer, the action is  
26 transferred to the court of appeals for decision, and the validity  
27 or applicability of the rule in question is subject to judicial

1 review by the court of appeals. The administrative record and the  
2 district court record shall be filed by the district clerk with the  
3 clerk of the court of appeals. The court of appeals may direct the  
4 district court to conduct any necessary evidentiary hearings in  
5 connection with the action.

6 SECTION 1.11. Section 2001.176(c), Government Code, is  
7 amended to read as follows:

8 (c) A Travis County district court in which an action is  
9 brought under this section, on its own motion or on motion of any  
10 party, may request transfer of the action to the Court of Appeals  
11 for the Fifteenth [~~Third~~] Court of Appeals District if the district  
12 court finds that the public interest requires a prompt,  
13 authoritative determination of the legal issues in the case and the  
14 case would ordinarily be appealed. After filing of the district  
15 court's request with the court of appeals, transfer of the action  
16 may be granted by the court of appeals if it agrees with the  
17 findings of the district court concerning the application of the  
18 statutory standards to the action. On entry of an order by the  
19 court of appeals granting transfer, the action is transferred to  
20 the court of appeals for decision, and the agency decision in the  
21 contested case is subject to judicial review by the court of  
22 appeals. The administrative record and the district court record  
23 shall be filed by the district clerk with the clerk of the court of  
24 appeals. The court of appeals may direct the district court to  
25 conduct any necessary evidentiary hearings in connection with the  
26 action.

27 SECTION 1.12. Section 2301.751(a), Occupations Code, is

1 amended to read as follows:

2 (a) A party to a proceeding affected by a final order, rule,  
3 or decision or other final action of the board with respect to a  
4 matter arising under this chapter or Chapter 503, Transportation  
5 Code, may seek judicial review of the action under the substantial  
6 evidence rule in:

- 7 (1) a district court in Travis County; or  
8 (2) the court of appeals for the Fifteenth [~~Third~~]  
9 Court of Appeals District.

10 SECTION 1.13. Section 39.001(e), Utilities Code, is amended  
11 to read as follows:

12 (e) Judicial review of competition rules adopted by the  
13 commission shall be conducted under Chapter 2001, Government Code,  
14 except as otherwise provided by this chapter. Judicial review of  
15 the validity of competition rules shall be commenced in the Court of  
16 Appeals for the Fifteenth [~~Third~~] Court of Appeals District and  
17 shall be limited to the commission's rulemaking record. The  
18 rulemaking record consists of:

- 19 (1) the notice of the proposed rule;  
20 (2) the comments of all interested persons;  
21 (3) all studies, reports, memoranda, or other  
22 materials on which the commission relied in adopting the rule; and  
23 (4) the order adopting the rule.

24 SECTION 1.14. (a) Except as otherwise provided by this Act,  
25 the Court of Appeals for the Fifteenth Court of Appeals District is  
26 created September 1, 2024.

27 (b) If the Court of Appeals for the Fifteenth Court of



1 Appeals District is created, the initial vacancies in the offices  
2 of chief justice and justices of the court shall be filled by  
3 appointment.

4 SECTION 1.15. (a) The changes in law made by this Act apply  
5 to appeals perfected on or after September 1, 2024.

6 (b) On September 1, 2024, all cases pending in other courts  
7 of appeal that were filed on or after September 1, 2023, and of  
8 which the Court of Appeals for the Fifteenth Court of Appeals  
9 District has exclusive intermediate appellate jurisdiction are  
10 transferred to the Court of Appeals for the Fifteenth Court of  
11 Appeals District.

12 (c) When a case is transferred as provided by Subsection (b)  
13 of this section:

14 (1) all processes, writs, bonds, recognizances, or  
15 other obligations issued from the other courts of appeal are  
16 returnable to the Court of Appeals for the Fifteenth Court of  
17 Appeals District as if originally issued by that court; and

18 (2) the obligees on all bonds and recognizances taken  
19 in and for the other courts of appeal and all witnesses summoned to  
20 appear in another court of appeals are required to appear before the  
21 Court of Appeals for the Fifteenth Court of Appeals District as if  
22 originally required to appear before the Court of Appeals for the  
23 Fifteenth Court of Appeals District.

24 ARTICLE 2. CONFORMING AMENDMENTS

25 SECTION 2.01. Article 4.01, Code of Criminal Procedure, is  
26 amended to read as follows:

27 Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The

1 following courts have jurisdiction in criminal actions:

- 2 1. The Court of Criminal Appeals;
- 3 2. Courts of appeals, other than the Court of Appeals
- 4 for the Fifteenth Court of Appeals District;
- 5 3. The district courts;
- 6 4. The criminal district courts;
- 7 5. The magistrates appointed by the judges of the
- 8 district courts of Bexar County, Dallas County, Tarrant County, or
- 9 Travis County that give preference to criminal cases and the
- 10 magistrates appointed by the judges of the criminal district courts
- 11 of Dallas County or Tarrant County;
- 12 6. The county courts;
- 13 7. All county courts at law with criminal
- 14 jurisdiction;
- 15 8. County criminal courts;
- 16 9. Justice courts;
- 17 10. Municipal courts;
- 18 11. The magistrates appointed by the judges of the
- 19 district courts of Lubbock County;
- 20 12. The magistrates appointed by the El Paso Council
- 21 of Judges;
- 22 13. The magistrates appointed by the Collin County
- 23 Commissioners Court;
- 24 14. The magistrates appointed by the Brazoria County
- 25 Commissioners Court or the local administrative judge for Brazoria
- 26 County; and
- 27 15. The magistrates appointed by the judges of the

1 district courts of Tom Green County.

2 SECTION 2.02. Article 4.03, Code of Criminal Procedure, is  
3 amended to read as follows:

4 Art. 4.03. COURTS OF APPEALS. The Courts of Appeals, other  
5 than the Court of Appeals for the Fifteenth Court of Appeals  
6 District, shall have appellate jurisdiction coextensive with the  
7 limits of their respective districts in all criminal cases except  
8 those in which the death penalty has been assessed. This article  
9 [~~Article~~] shall not be so construed as to embrace any case which has  
10 been appealed from any inferior court to the county court, the  
11 county criminal court, or county court at law, in which the fine  
12 imposed or affirmed by the county court, the county criminal court  
13 or county court at law does not exceed one hundred dollars, unless  
14 the sole issue is the constitutionality of the statute or ordinance  
15 on which the conviction is based.

16 SECTION 2.03. Article 44.25, Code of Criminal Procedure, is  
17 amended to read as follows:

18 Art. 44.25. CASES REMANDED. The courts of appeals, other  
19 than the Court of Appeals of the Fifteenth Court of Appeals  
20 District, or the Court of Criminal Appeals may reverse the judgment  
21 in a criminal action, as well upon the law as upon the facts.

22 SECTION 2.04. Section 31.001, Government Code, is amended  
23 to read as follows:

24 Sec. 31.001. AUTHORITY FOR COUNTY PAYMENT OF COMPENSATION.  
25 The commissioners courts in the counties of each of the 15 [~~14~~]  
26 courts of appeals districts may pay additional compensation in an  
27 amount that does not exceed the limitations of Section 659.012 to

1 each of the justices of the courts of appeals, other than a justice  
2 of the Court of Appeals of the Fifteenth Court of Appeals District,  
3 residing within the court of appeals district that includes those  
4 counties. The compensation is for all extrajudicial services  
5 performed by the justices.

6 ARTICLE 3. SPECIFIC APPROPRIATION REQUIRED; CONSTITUTIONAL  
7 CHALLENGE; EFFECTIVE DATE

8 SECTION 3.01. (a) Notwithstanding Section 22.201(a),  
9 Government Code, as amended by this Act, and Sections 22.201(p) and  
10 22.2151, Government Code, as added by this Act, the Court of Appeals  
11 for the Fifteenth Court of Appeals District is not created unless  
12 the legislature makes a specific appropriation of money for that  
13 purpose. For purposes of this subsection, a specific appropriation  
14 is an appropriation identifying the Court of Appeals for the  
15 Fifteenth Court of Appeals District or an Act of the 88th  
16 Legislature, Regular Session, 2023, relating to the creation of the  
17 Court of Appeals for the Fifteenth Court of Appeals District.

18 (b) Notwithstanding Section 22.220(a), Government Code, as  
19 amended by this Act, a court of appeals has the same jurisdiction  
20 the court had on August 31, 2023, if the Court of Appeals for the  
21 Fifteenth Court of Appeals District is not created as a result of  
22 Subsection (a) of this section.

23 SECTION 3.02. The Texas Supreme Court has exclusive and  
24 original jurisdiction over a challenge to the constitutionality of  
25 this Act or any part of this Act and may issue injunctive or  
26 declaratory relief in connection with the challenge.

27 SECTION 3.03. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1045 passed the Senate on March 30, 2023, by the following vote: Yeas 19, Nays 12; and that the Senate concurred in House amendments on May 21, 2023, by the following vote: Yeas 19, Nays 12.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1045 passed the House, with amendments, on May 19, 2023, by the following vote: Yeas 91, Nays 47, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

AN ACT

relating to sexually violent predators and the prosecution of certain offenses involving prohibited items at correctional or civil commitment facilities; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 20.02(c), Penal Code, is amended to read as follows:

(c) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the person restrained was a child younger than 17 years of age;

(2) a felony of the third degree if:

(A) the actor recklessly exposes the victim to a substantial risk of serious bodily injury;

(B) the actor restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; or

(C) the actor, while in custody or committed to a civil commitment facility, restrains any other person; or

(3) notwithstanding Subdivision (2)(B), a felony of the second degree if the actor restrains an individual the actor knows is a peace officer or judge while the officer or judge is

1 lawfully discharging an official duty or in retaliation or on  
2 account of an exercise of official power or performance of an  
3 official duty as a peace officer or judge.

4 SECTION 2. Section 21.07(b), Penal Code, is amended to read  
5 as follows:

6 (b) An offense under this section is a Class A misdemeanor,  
7 except that the offense is a felony of the third degree if the actor  
8 is civilly committed as a sexually violent predator under Chapter  
9 841, Health and Safety Code.

10 SECTION 3. Section 21.08(b), Penal Code, is amended to read  
11 as follows:

12 (b) An offense under this section is a Class B misdemeanor,  
13 except that the offense is a felony of the third degree if the actor  
14 is civilly committed as a sexually violent predator under Chapter  
15 841, Health and Safety Code.

16 SECTION 4. Section 22.01(b-1), Penal Code, is amended to  
17 read as follows:

18 (b-1) Notwithstanding Subsections [~~Subsection~~] (b) and (c),  
19 an offense under Subsection (a) [~~(a)(1)~~] is a felony of the third  
20 degree if the offense is committed:

21 (1) by an [~~while the~~] actor who is committed to a civil  
22 commitment facility; and

23 (2) against:

24 (A) a person the actor knows is an officer or  
25 employee of the Texas Civil Commitment Office:

26 (i) while the officer or employee is  
27 lawfully discharging an official duty [~~at a civil commitment~~

1 ~~facility~~]; or

2 (ii) in retaliation for or on account of an  
3 exercise of official power or performance of an official duty by the  
4 officer or employee; or

5 (B) a person the actor knows is contracting [~~who~~  
6 ~~contracts~~] with the state to perform a service in a civil commitment  
7 facility or an employee of that person:

8 (i) while the person or employee is engaged  
9 in performing a service within the scope of the contract[~~, if the~~  
10 ~~actor knows the person or employee is authorized by the state to~~  
11 ~~provide the service~~]; or

12 (ii) in retaliation for or on account of the  
13 person's or employee's performance of a service within the scope of  
14 the contract.

15 SECTION 5. Section 38.11, Penal Code, is amended by  
16 amending Subsections (a), (d), and (k) and adding Subsection (j-1)  
17 to read as follows:

18 (a) A person commits an offense if the person provides, or  
19 possesses with the intent to provide:

20 (1) an alcoholic beverage, controlled substance, or  
21 dangerous drug to a person in the custody of a correctional facility  
22 or residing in a civil commitment facility, except on the  
23 prescription of a practitioner;

24 (2) a deadly weapon to a person in the custody of a  
25 correctional facility or residing in a civil commitment facility;

26 (3) a cellular telephone or other wireless  
27 communications device or a component of one of those devices to a



1 person in the custody of a correctional facility;

2 (4) money to a person confined in a correctional  
3 facility; or

4 (5) a cigarette or tobacco product to a person  
5 confined in a correctional facility, except that if the facility is  
6 a local jail regulated by the Commission on Jail Standards, the  
7 person commits an offense only if providing the cigarette or  
8 tobacco product violates a rule or regulation adopted by the  
9 sheriff or jail administrator that:

10 (A) prohibits the possession of a cigarette or  
11 tobacco product by a person confined in the jail; or

12 (B) places restrictions on:

13 (i) the possession of a cigarette or  
14 tobacco product by a person confined in the jail; or

15 (ii) the manner in which a cigarette or  
16 tobacco product may be provided to a person confined in the jail.

17 (d) A person commits an offense if the person:

18 (1) possesses an alcoholic beverage, [~~a~~] controlled  
19 substance, or dangerous drug while in a correctional facility or  
20 civil commitment facility or on property owned, used, or controlled  
21 by a correctional facility or civil commitment facility; or

22 (2) possesses a deadly weapon while in a correctional  
23 facility or civil commitment facility.

24 (j-1) A person commits an offense if the person, while  
25 residing in a civil commitment facility, possesses a cellular  
26 telephone or other wireless communications device or a component of  
27 one of those devices unless the device or component is authorized by

1 the Texas Civil Commitment Office.

2 (k) A person commits an offense if, with the intent to  
3 provide to or make a cellular telephone or other wireless  
4 communications device or a component of one of those devices  
5 available for use by a person in the custody of a correctional  
6 facility or residing in a civil commitment facility, the person:

7 (1) acquires a cellular telephone or other wireless  
8 communications device or a component of one of those devices to be  
9 delivered to the person in custody or residing in the facility;

10 (2) provides a cellular telephone or other wireless  
11 communications device or a component of one of those devices to  
12 another person for delivery to the person in custody or residing in  
13 the facility; or

14 (3) makes a payment to a communication common carrier,  
15 as defined by Article 18A.001, Code of Criminal Procedure, or to any  
16 communication service that provides to its users the ability to  
17 send or receive wire or electronic communications.

18 SECTION 6. Chapter 39, Penal Code, is amended by adding  
19 Section 39.041 to read as follows:

20 Sec. 39.041. IMPROPER SEXUAL ACTIVITY WITH COMMITTED  
21 PERSON. (a) In this section, "deviate sexual intercourse,"  
22 "sexual contact," and "sexual intercourse" have the meanings  
23 assigned by Section 21.01.

24 (b) An officer or employee of the Texas Civil Commitment  
25 Office, a person who contracts with this state to perform a service  
26 in a civil commitment facility or an employee of that person, or a  
27 volunteer at a civil commitment facility commits an offense if the

1 person intentionally engages in deviate sexual intercourse, sexual  
2 contact, or sexual intercourse with a person committed to a civil  
3 commitment facility.

4 (c) An offense under this section is a felony of the third  
5 degree.

6 (d) It is an affirmative defense to prosecution under this  
7 section that, at the time of the offense, the actor was the spouse  
8 of the person committed to the civil commitment facility.

9 (e) If conduct that constitutes an offense under this  
10 section also constitutes an offense under any other law, the actor  
11 may be prosecuted under this section, the other law, or both.

12 SECTION 7. Article 13.315, Code of Criminal Procedure, is  
13 amended to read as follows:

14 Art. 13.315. FELONY OFFENSE COMMITTED BY CIVILLY COMMITTED  
15 [FAILURE TO COMPLY WITH] SEXUALLY VIOLENT PREDATOR [CIVIL  
16 COMMITMENT REQUIREMENT]. A felony [An] offense committed by a  
17 person civilly committed under Chapter 841 [Section 841.085],  
18 Health and Safety Code, may be prosecuted in the county in which any  
19 element of the offense occurs or in the court that retains  
20 jurisdiction over the civil commitment proceeding under Section  
21 841.082, Health and Safety Code.

22 SECTION 8. Article 62.005(j), Code of Criminal Procedure,  
23 is amended to read as follows:

24 (j) The department, for law enforcement purposes or for  
25 supervision and treatment purposes, shall release all relevant  
26 information described by Subsection (a), including information  
27 that is not public information under Subsection (b), to a peace

1 officer, an employee of a local law enforcement authority, the  
2 Texas Civil Commitment Office, or the attorney general on the  
3 request of the applicable person or entity.

4 SECTION 9. Article 62.051, Code of Criminal Procedure, is  
5 amended by amending Subsections (b), (e), and (f) and adding  
6 Subsection (e-1) to read as follows:

7 (b) The department shall provide the Texas Department of  
8 Criminal Justice, the Texas Juvenile Justice Department, the Texas  
9 Civil Commitment Office, and each local law enforcement authority,  
10 authority for campus security, county jail, and court with a form  
11 for registering persons required by this chapter to register.

12 (e) Not later than the third day after the registration of a  
13 person [~~a person's registering~~], the local law enforcement  
14 authority with whom the person is registered shall send a copy of  
15 the registration form to the department and, if the person resides  
16 on the campus of a public or private institution of higher  
17 education, to any authority for campus security for that  
18 institution.

19 (e-1) The Texas Civil Commitment Office shall register with  
20 the applicable local law enforcement authority on behalf of a  
21 person who is civilly committed as a sexually violent predator  
22 under Chapter 841, Health and Safety Code, and required to reside in  
23 a civil commitment center. A person for whom registration is  
24 completed under this subsection is not required to verify the  
25 registration until the person is authorized to reside outside of  
26 the civil commitment center.

27 (f) Not later than the seventh day after the date on which

1 the person is released or, for a person who is civilly committed as  
2 a sexually violent predator under Chapter 841, Health and Safety  
3 Code, authorized to reside outside of the civil commitment center,  
4 a person for whom registration is completed under this chapter  
5 shall report to the applicable local law enforcement authority to  
6 verify the information in the registration form received by the  
7 authority under this chapter. The authority shall require the  
8 person to produce proof of the person's identity and residence  
9 before the authority gives the registration form to the person for  
10 verification. If the information in the registration form is  
11 complete and accurate, the person shall verify registration by  
12 signing the form. If the information is not complete or not  
13 accurate, the person shall make any necessary additions or  
14 corrections before signing the form.

15 SECTION 10. Subtitle A, Title 2, Civil Practice and  
16 Remedies Code, is amended by adding Chapter 14A to read as follows:

17 CHAPTER 14A. LITIGATION BY CIVILLY COMMITTED INDIVIDUAL

18 SUBCHAPTER A. GENERAL PROVISIONS

19 Sec. 14A.001. DEFINITIONS. In this chapter:

20 (1) "Civilly committed individual" means a sexually  
21 violent predator as described by Section 841.003, Health and Safety  
22 Code, who has been committed to a facility operated by or under  
23 contract with the office.

24 (2) "Claim" means a cause of action governed by this  
25 chapter.

26 (3) "Office" means the Texas Civil Commitment Office.

27 (4) "Trust account" means a civilly committed

1 individual's trust account administered by the office or by a  
2 facility under contract with the office.

3 (5) "Unsworn declaration" means a document executed in  
4 accordance with Chapter 132.

5 Sec. 14A.002. SCOPE OF CHAPTER. (a) This chapter applies  
6 only to an action, including an appeal or original proceeding,  
7 brought by a civilly committed individual in a district, county, or  
8 justice court or an appellate court, including the supreme court or  
9 the court of criminal appeals, in which an affidavit or unsworn  
10 declaration of inability to pay costs is filed by the civilly  
11 committed individual.

12 (b) This chapter does not apply to an action brought under  
13 the Family Code.

14 SUBCHAPTER B. DISMISSAL OF AND REQUIREMENTS FOR CLAIM

15 Sec. 14A.051. DISMISSAL OF FALSE, FRIVOLOUS, OR MALICIOUS  
16 CLAIM. (a) A court may dismiss a claim, either before or after  
17 service of process, if the court finds that:

18 (1) the allegation of poverty in the affidavit or  
19 unsworn declaration is false;

20 (2) the claim is frivolous or malicious; or

21 (3) the civilly committed individual filed an  
22 affidavit or unsworn declaration required by this chapter that the  
23 individual knew was false.

24 (b) In determining whether a claim is frivolous or  
25 malicious, the court may consider whether:

26 (1) the claim's realistic chance of ultimate success  
27 is slight;

1           (2) the claim has no arguable basis in law or in fact;

2           (3) it is clear that the civilly committed individual  
3 cannot prove the facts in support of the claim; or

4           (4) the claim is substantially similar to a previous  
5 claim filed by the civilly committed individual because the claim  
6 arises from the same operative facts.

7           (c) In determining whether Subsection (a) applies, the  
8 court may hold a hearing. The hearing may be held before or after  
9 service of process, and it may be held on motion of the court, a  
10 party, or the court clerk.

11           (d) On the filing of a motion under Subsection (c), the  
12 court shall suspend discovery relating to the claim pending the  
13 hearing.

14           (e) A court that dismisses a claim brought by a civilly  
15 committed individual housed in a facility operated by or under  
16 contract with the office may notify the office of the dismissal and,  
17 on the court's own motion or the motion of any party or the court  
18 clerk, may advise the office that a mental health evaluation of the  
19 individual may be appropriate.

20           Sec. 14A.052. AFFIDAVIT RELATING TO PREVIOUS FILINGS. (a)  
21 A civilly committed individual who files an affidavit or unsworn  
22 declaration of inability to pay costs shall file a separate  
23 affidavit or declaration:

24           (1) identifying the court that ordered the  
25 individual's civil commitment under Chapter 841, Health and Safety  
26 Code;

27           (2) indicating whether any cause of action or

1 allegation contained in the petition has previously been filed in  
2 any other court, and if so, stating the cause of action or  
3 allegation previously filed and complying with Subdivision (6) and  
4 Subsection (b);

5 (3) identifying each action, other than an action  
6 under the Family Code, previously brought by the individual in  
7 which the individual was not represented by an attorney, without  
8 regard to whether the individual was civilly committed at the time  
9 the action was brought;

10 (4) certifying that all grievance processes  
11 applicable to the matter that is the basis of the claim, if any,  
12 have been exhausted;

13 (5) certifying that no court has found the individual  
14 to be a vexatious litigant under Chapter 11; and

15 (6) describing each action that was previously brought  
16 by:

17 (A) stating the operative facts for which relief  
18 was sought;

19 (B) listing the case name, the cause number, and  
20 the court in which the action was brought;

21 (C) identifying each party named in the action;  
22 and

23 (D) stating the result of the action, including  
24 whether the action or a claim that was a basis for the action was  
25 dismissed as frivolous or malicious under Section 13.001, 14.003,  
26 or 14A.051 or otherwise.

27 (b) If the affidavit or unsworn declaration filed under this



1 section states that a previous action or claim was dismissed as  
2 frivolous or malicious, the affidavit or unsworn declaration must  
3 state the date of the final order affirming the dismissal.

4 (c) The affidavit or unsworn declaration must be  
5 accompanied by the certified copy of the trust account statement  
6 required by Section 14A.054(f).

7 Sec. 14A.053. GRIEVANCE SYSTEM DECISION; EXHAUSTION OF  
8 ADMINISTRATIVE REMEDIES. (a) A civilly committed individual who  
9 files a claim that is subject to a grievance system established by  
10 the office or a facility under contract with the office shall file  
11 with the court:

12 (1) an affidavit or unsworn declaration stating the  
13 date that the grievance was filed and the date the written decision  
14 was received by the individual; and

15 (2) a copy of the written decision from the grievance  
16 system.

17 (b) A court shall dismiss a claim if the civilly committed  
18 individual fails to file the claim before the 31st day after the  
19 date the individual receives the written decision from the  
20 grievance system.

21 (c) If a claim is filed before the grievance system  
22 procedure is complete, the court shall stay the proceeding with  
23 respect to the claim for a period not to exceed 180 days to permit  
24 completion of the grievance system procedure.

25 Sec. 14A.054. COURT FEES, COURT COSTS, OTHER COSTS. (a) A  
26 court may order a civilly committed individual who has filed a claim  
27 to pay court fees, court costs, and other costs in accordance with

1 this section and Section 14A.055. The court clerk shall mail a copy  
2 of the court's order and a certified bill of costs to the office or  
3 facility under contract with the office, as appropriate.

4 (b) On the court's order, the civilly committed individual  
5 shall pay an amount equal to the lesser of:

6 (1) 20 percent of the preceding six months' deposits to  
7 the individual's trust account; or

8 (2) the total amount of court fees, court costs, and  
9 other costs.

10 (c) In each month following the month in which payment is  
11 made under Subsection (b), the civilly committed individual shall  
12 pay an amount equal to the lesser of:

13 (1) 10 percent of that month's deposits to the trust  
14 account; or

15 (2) the total amount of court fees, court costs, and  
16 other costs that remains unpaid.

17 (d) Payments under Subsection (c) shall continue until the  
18 total amount of court fees, court costs, and other costs are paid or  
19 until the civilly committed individual is released from  
20 confinement.

21 (e) On receipt of a copy of an order issued under Subsection  
22 (a), the office or facility under contract with the office shall  
23 withdraw money from the trust account in accordance with  
24 Subsections (b), (c), and (d). The office or facility shall hold the  
25 money in a separate account and shall forward the money to the court  
26 clerk on the earlier of the following dates:

27 (1) the date the total amount to be forwarded equals

1 the total amount of court fees, court costs, and other costs that  
2 remains unpaid; or

3 (2) the date the civilly committed individual is  
4 released.

5 (f) The civilly committed individual shall file a certified  
6 copy of the individual's trust account statement with the court.  
7 The statement must reflect the balance of the account at the time  
8 the claim is filed and activity in the account during the six months  
9 preceding the date on which the claim is filed. The court may  
10 request the office to provide the information required under this  
11 subsection.

12 (g) A civilly committed individual may authorize payment in  
13 addition to that required by this section.

14 (h) The court may dismiss a claim if the civilly committed  
15 individual fails to pay fees and costs assessed under this section.

16 (i) A civilly committed individual may not avoid the fees  
17 and costs assessed under this section by nonsuiting a party or by  
18 voluntarily dismissing the action.

19 Sec. 14A.055. OTHER COSTS. (a) An order under Section  
20 14A.054(a) must include the costs described by Subsection (b) if  
21 the court finds that:

22 (1) the civilly committed individual has previously  
23 filed an action to which this chapter or Chapter 14 applies; and

24 (2) a final order has been issued that affirms that the  
25 action was dismissed as frivolous or malicious under Section  
26 13.001, 14.003, or 14A.051 or otherwise.

27 (b) If Subsection (a) applies, costs of court must include

1 expenses incurred by the court or by the office or facility under  
2 contract with the office, in connection with the claim and not  
3 otherwise charged to the civilly committed individual under Section  
4 14A.054, including:

5 (1) expenses of service of process;

6 (2) postage; and

7 (3) transportation, housing, or medical care incurred  
8 in connection with the appearance of the individual in the court for  
9 any proceeding.

10 Sec. 14A.056. HEARING. (a) The court may hold a hearing  
11 under this chapter at a facility operated by or under contract with  
12 the office or may conduct the hearing with video communications  
13 technology that permits the court to see and hear the civilly  
14 committed individual and that permits the individual to see and  
15 hear the court and any other witness.

16 (b) A hearing conducted under this section by video  
17 communications technology shall be recorded on videotape or by  
18 other electronic means. The recording is sufficient to serve as a  
19 permanent record of the hearing.

20 Sec. 14A.057. SUBMISSION OF EVIDENCE. (a) The court may  
21 request a person with an admissible document or admissible  
22 testimony relevant to the subject matter of the hearing to submit a  
23 copy of the document or written statement stating the substance of  
24 the testimony.

25 (b) A written statement submitted under this section must be  
26 made under oath or made as an unsworn declaration under Section  
27 132.001.

1       (c) A copy of a document submitted under this section must  
2 be accompanied by a certification executed under oath by an  
3 appropriate custodian of the record stating that the copy is  
4 correct and any other matter relating to the admissibility of the  
5 document that the court requires.

6       (d) A person submitting a written statement or document  
7 under this section is not required to appear at the hearing.

8       (e) The court shall require that the civilly committed  
9 individual be provided with a copy of each written statement or  
10 document not later than the 14th day before the date on which the  
11 hearing is to begin.

12       Sec. 14A.058. DISMISSAL OF CLAIM. (a) The court may enter  
13 an order dismissing the entire claim or a portion of the claim under  
14 this chapter.

15       (b) If a portion of the claim is dismissed, the court shall  
16 designate the issues and defendants on which the claim may proceed,  
17 subject to Sections 14A.054 and 14A.055.

18       (c) An order under this section is not subject to  
19 interlocutory appeal by the civilly committed individual.

20       Sec. 14A.059. EFFECT ON OTHER CLAIMS. (a) Except as  
21 provided by Subsection (b), on receipt of an order assessing fees  
22 and costs under Section 14A.054 that indicates that the court made  
23 the finding described by Section 14A.055(a), a court clerk may not  
24 accept for filing another claim by the civilly committed individual  
25 until the fees and costs assessed under Section 14A.054 are paid.

26       (b) A court may allow a civilly committed individual who has  
27 not paid the fees and costs assessed against the individual to file

1 a claim for injunctive relief seeking to enjoin an act or failure to  
2 act that creates a substantial threat of irreparable injury or  
3 serious physical harm to the individual.

4 Sec. 14A.060. QUESTIONNAIRE. To implement this chapter, a  
5 court may develop, for use in that court, a questionnaire to be  
6 filed by the civilly committed individual.

7 Sec. 14A.061. REVIEW AND RECOMMENDATION BY MAGISTRATES.

8 (a) The supreme court shall, by rule, adopt a system under which a  
9 court may refer a suit governed by this chapter to a magistrate for  
10 review and recommendation.

11 (b) The system adopted under Subsection (a) may be funded  
12 from money appropriated to the supreme court or from money received  
13 by the supreme court through interagency contract or contracts.

14 (c) For the purposes of Section 14A.062, the adoption of a  
15 system by rule under Subsection (a) does not constitute a  
16 modification or repeal of a provision of this chapter.

17 Sec. 14A.062. CONFLICT WITH TEXAS RULES OF CIVIL PROCEDURE.  
18 Notwithstanding Section 22.004, Government Code, this chapter may  
19 not be modified or repealed by a rule adopted by the supreme court.

20 SECTION 11. Title 4, Civil Practice and Remedies Code, is  
21 amended by adding Chapter 78B to read as follows:

22 CHAPTER 78B. LIMITED LIABILITY FOR FIRST RESPONDER WELLNESS CHECK  
23 AT CIVIL COMMITMENT FACILITY

24 Sec. 78B.001. DEFINITIONS. In this chapter:

25 (1) "First responder" means a law enforcement, fire  
26 protection, or emergency medical services employee, volunteer, or  
27 agency, including:

1           (A) a peace officer, as defined by Article 2.12,  
2 Code of Criminal Procedure;

3           (B) fire protection personnel, as defined by  
4 Section 419.021, Government Code;

5           (C) a volunteer firefighter who is:

6                   (i) certified by the Texas Commission on  
7 Fire Protection or by the State Firefighters' and Fire Marshals'  
8 Association of Texas; or

9                   (ii) a member of an organized volunteer  
10 firefighting unit that provides firefighting services without  
11 compensation and conducts a minimum of two drills each month, each  
12 two hours long;

13           (D) an individual certified as emergency medical  
14 services personnel by the Department of State Health Services; and

15           (E) an agency of this state or a political  
16 subdivision of this state authorized by law to employ or supervise  
17 personnel described by Paragraphs (A)-(D).

18           (2) "Wellness check" means a request by any person for  
19 a first responder to visit a civil commitment facility and  
20 determine the current condition of a sexually violent predator who  
21 is civilly committed under Chapter 841, Health and Safety Code.

22           Sec. 78B.002. CONSTRUCTION OF CHAPTER. This chapter may  
23 not be construed to prohibit a first responder from performing a  
24 wellness check.

25           Sec. 78B.003. LIMITED LIABILITY FOR REFUSAL TO PROVIDE  
26 WELLNESS CHECK. (a) A first responder is not required to perform a  
27 wellness check.

1       (b) A first responder is not liable for damages incurred  
2 from the first responder's refusal to perform a wellness check.

3       (c) A court shall immediately dismiss any action asserting a  
4 claim described by Subsection (b).

5       Sec. 78B.004. REFERRAL TO TEXAS CIVIL COMMITMENT OFFICE. A  
6 first responder may refer a person requesting a wellness check to  
7 the Texas Civil Commitment Office, which may provide the person  
8 with information regarding the current condition of the civilly  
9 committed sexually violent predator if authorized under federal and  
10 state law.

11       SECTION 12. Subchapter A, Chapter 411, Government Code, is  
12 amended by adding Section 411.0092 to read as follows:

13       Sec. 411.0092. PRIMARY JURISDICTION. The sex offender  
14 compliance unit described by Section 411.0091 has primary  
15 jurisdiction to investigate a felony offense committed by a  
16 sexually violent predator civilly committed under Chapter 841,  
17 Health and Safety Code.

18       SECTION 13. Section 420A.008, Government Code, is amended  
19 to read as follows:

20       Sec. 420A.008. STAFF. The office may select and employ a  
21 general counsel, staff attorneys, a family liaison officer  
22 described by Section 420A.012, and other staff necessary to perform  
23 the office's functions.

24       SECTION 14. Chapter 420A, Government Code, is amended by  
25 adding Sections 420A.012 and 420A.013 to read as follows:

26       Sec. 420A.012. FAMILY LIAISON OFFICER. (a) The office may  
27 designate an employee to serve as a family liaison officer. The



1 family liaison officer may, as the office determines appropriate:

2 (1) facilitate the continuation and maintenance of  
3 ties between a civilly committed sex offender and the offender's  
4 family members who are supportive of the offender's participation  
5 in the treatment and supervision program;

6 (2) notify an offender regarding emergencies  
7 concerning the offender's family and provide the offender with  
8 other necessary information related to the offender's family; and

9 (3) assist in resolving problems that may affect  
10 permitted contact with an offender.

11 (b) Before each required quarterly meeting of the board, a  
12 family liaison officer designated under this section may provide an  
13 update to the board regarding the officer's activities.

14 (c) This section does not:

15 (1) require the office to designate a family liaison  
16 officer; or

17 (2) guarantee to a civilly committed sex offender or  
18 family member of an offender any additional right or privilege that  
19 is not already required by state or federal law.

20 (d) In implementing this section, the office may adopt any  
21 policy or impose any limitation the office considers necessary.

22 Sec. 420A.013. FAMILY UNITY AND PARTICIPATION. (a) The  
23 office may adopt and implement policies that encourage family unity  
24 during a civilly committed sex offender's commitment. In adopting  
25 the policies, the office may consider the impact of a telephone,  
26 mail, and in-person visitation policy on a family member's ability  
27 to provide support to the offender through ongoing, appropriate

1 contact with the offender while the offender participates in the  
2 treatment and supervision program.

3 (b) This section does not guarantee to a civilly committed  
4 sex offender or family member of an offender any additional right or  
5 privilege that is not already required by state or federal law.

6 (c) In implementing this section, the office may adopt any  
7 policy or impose any limitation the office considers necessary.

8 SECTION 15. Subchapter C, Chapter 552, Government Code, is  
9 amended by adding Section 552.1345 to read as follows:

10 Sec. 552.1345. EXCEPTION: CONFIDENTIALITY OF CERTAIN  
11 INFORMATION RELATING TO CIVILLY COMMITTED SEXUALLY VIOLENT  
12 PREDATORS. (a) Except as provided by Subsection (b), information  
13 obtained or maintained by the Texas Civil Commitment Office is  
14 excepted from the requirements of Section 552.021 if it is  
15 information about a person who is civilly committed as a sexually  
16 violent predator under Chapter 841, Health and Safety Code.

17 (b) Subsection (a) does not apply to statistical or other  
18 aggregated information relating to persons civilly committed to one  
19 or more facilities operated by or under a contract with the office.

20 SECTION 16. Subchapter I, Chapter 2001, Government Code, is  
21 amended by adding Section 2001.227 to read as follows:

22 Sec. 2001.227. TEXAS CIVIL COMMITMENT OFFICE. This chapter  
23 does not apply to a rule or internal procedure of the Texas Civil  
24 Commitment Office that applies to a person who is civilly committed  
25 as a sexually violent predator under Chapter 841, Health and Safety  
26 Code, or to an action taken under that rule or procedure.

27 SECTION 17. Section 2155.144(a), Government Code, is

1 amended to read as follows:

2 (a) This section applies only to the Health and Human  
3 Services Commission, each health and human services agency, ~~and~~  
4 the Department of Family and Protective Services, and agencies  
5 administratively attached to the Health and Human Services  
6 Commission. For the purposes of this section, the Department of  
7 Family and Protective Services or an agency administratively  
8 attached to the Health and Human Services Commission is considered  
9 a health and human services agency.

10 SECTION 18. Section 109.051(b), Occupations Code, is  
11 amended to read as follows:

12 (b) Notwithstanding Subtitle B, Title 3, of this code or  
13 Chapter 611, Health and Safety Code, a person described by  
14 Subsection (a), on request or in the normal course of business,  
15 shall release information concerning the treatment of a sex  
16 offender to:

- 17 (1) another person described by Subsection (a);  
18 (2) a criminal justice agency; ~~or~~  
19 (3) a local law enforcement authority; or  
20 (4) the Texas Civil Commitment Office.

21 SECTION 19. Section 109.052, Occupations Code, is amended  
22 to read as follows:

23 Sec. 109.052. RELEASE BY CRIMINAL JUSTICE AGENCY. A  
24 criminal justice agency, on request or in the normal course of  
25 official business, shall release information concerning the  
26 treatment of a sex offender to:

- 27 (1) another criminal justice agency;

- 1 (2) a local law enforcement authority; ~~[or]~~
- 2 (3) a person described by Section 109.051(a); or
- 3 (4) the Texas Civil Commitment Office.

4 SECTION 20. Section 109.053, Occupations Code, is amended  
5 to read as follows:

6 Sec. 109.053. RELEASE BY LOCAL LAW ENFORCEMENT AUTHORITY.  
7 A local law enforcement authority, on request or in the normal  
8 course of official business, shall release information concerning  
9 the treatment of a sex offender to:

- 10 (1) another local law enforcement authority;
- 11 (2) a criminal justice agency; ~~[or]~~
- 12 (3) a person described by Section 109.051(a); or
- 13 (4) the Texas Civil Commitment Office.

14 SECTION 21. Sections 841.002(1) and (8), Health and Safety  
15 Code, are amended to read as follows:

16 (1) "Attorney representing the state" means a district  
17 attorney, criminal district attorney, or county attorney with  
18 felony criminal jurisdiction who represents the state in a [~~civil~~  
19 ~~commitment~~] proceeding under this chapter.

20 (8) "Sexually violent offense" means:

- 21 (A) an offense under Section 21.02, 21.11(a)(1),  
22 22.011, or 22.021, Penal Code;
- 23 (B) an offense under Section 20.04(a)(4), Penal  
24 Code, if the person committed the offense with the intent to violate  
25 or abuse the victim sexually;
- 26 (C) an offense under Section 30.02, Penal Code,  
27 if the offense is punishable under Subsection (d) of that section

1 and the person entered the habitation [~~committed the offense~~] with  
2 the intent to commit an offense listed in Paragraph (A) or (B) or  
3 committed or attempted to commit an offense listed in Paragraph (A)  
4 or (B);

5 (D) an offense under Section 19.02 or 19.03,  
6 Penal Code, that, during the guilt or innocence phase or the  
7 punishment phase for the offense, during the adjudication or  
8 disposition of delinquent conduct constituting the offense, or  
9 subsequently during a civil commitment proceeding under Subchapter  
10 D, is determined beyond a reasonable doubt to have been based on  
11 sexually motivated conduct;

12 (E) an attempt, conspiracy, or solicitation, as  
13 defined by Chapter 15, Penal Code, to commit an offense listed in  
14 Paragraph (A), (B), (C), or (D);

15 (F) an offense under prior state law that  
16 contains elements substantially similar to the elements of an  
17 offense listed in Paragraph (A), (B), (C), (D), or (E); or

18 (G) an offense under the law of another state,  
19 federal law, or the Uniform Code of Military Justice that contains  
20 elements substantially similar to the elements of an offense listed  
21 in Paragraph (A), (B), (C), (D), or (E).

22 SECTION 22. Section 841.042, Health and Safety Code, is  
23 amended to read as follows:

24 Sec. 841.042. ASSISTANCE FROM SPECIAL PROSECUTION UNIT. On  
25 request of the attorney representing the state, the special  
26 prosecution unit shall provide legal, financial, and technical  
27 assistance to the attorney for a [~~civil commitment~~] proceeding

1 conducted under this chapter.

2 SECTION 23. Section 841.0834, Health and Safety Code, is  
3 amended to read as follows:

4 Sec. 841.0834. MOVEMENT BETWEEN PROGRAMMING TIERS. (a)  
5 The office shall transfer between programming tiers a committed  
6 person required to reside in a total confinement facility [~~to less~~  
7 ~~restrictive housing and supervision~~] if the transfer is in the best  
8 interests of the person and conditions can be imposed that  
9 adequately protect the community.

10 (b) Without the office's approval, a committed person may  
11 file a petition with the court for transfer to the next less  
12 restrictive tier [~~housing and supervision~~]. The court shall deny  
13 the transfer if the petition is filed before the 180th day after the  
14 date an order was entered under Subchapter D, F, or G or a previous  
15 order was entered under this section. The court shall grant the  
16 transfer if the court determines by clear and convincing evidence  
17 that the transfer is in the best interests of the person and that  
18 the office can impose conditions [~~can be imposed~~] that adequately  
19 protect the community.

20 (c) A committed person who files a petition under Subsection  
21 (b) [~~this subsection~~] shall serve a copy of the petition on the  
22 office and the attorney representing the state.

23 (d) [~~(c)~~] The office shall transfer [~~return~~] a committed  
24 person who is not required to reside in a total confinement facility  
25 back [~~has been transferred to less restrictive housing and~~  
26 ~~supervision~~] to a more restrictive setting in a total confinement  
27 facility if the office considers the transfer necessary to further

1 treatment and to protect the community. The decision to transfer  
2 the person must be based on the person's behavior or progress in  
3 treatment.

4 (e) [~~(d)~~] Not later than the 90th day after the date a  
5 committed person is returned to a more restrictive setting in a  
6 total confinement facility under Subsection (d) [~~(e)~~], the  
7 committing court shall hold a hearing via videoconference to review  
8 the office's determination. The court shall order the office to  
9 transfer the person to a less restrictive tier [~~housing and~~  
10 ~~supervision~~] only if the court determines by clear and convincing  
11 evidence that the office's determination was not made in accordance  
12 with Subsection (d) [~~(e)~~]. The committed person may waive the right  
13 to a hearing under this subsection.

14 SECTION 24. Section 841.0838, Health and Safety Code, is  
15 amended to read as follows:

16 Sec. 841.0838. USE OF RESTRAINTS. (a) An employee of the  
17 office, or a person who contracts with the office or an employee of  
18 that person, may use mechanical [~~or chemical~~] restraints on a  
19 committed person residing in a civil commitment center or while  
20 transporting a committed person who resides at the center only if:

21 (1) the employee or person completes a training  
22 program approved by the office on the use of mechanical restraints  
23 that:

24 (A) includes instruction on the office's  
25 approved mechanical restraint techniques and devices and the  
26 office's verbal de-escalation policies, procedures, and practices;  
27 and

1 (B) requires the employee or person to  
2 demonstrate competency in the use of the mechanical restraint  
3 techniques and devices; and

4 (2) the mechanical restraint is:

5 (A) considered necessary to maintain the safety  
6 and security of the center or staff [~~used as a last resort~~];

7 (B) considered necessary to maintain the safety  
8 of the public [~~necessary to stop or prevent~~:

9 [(i) ~~imminent physical injury to the~~  
10 ~~committed person or another~~;

11 [(ii) ~~threatening behavior by the committed~~  
12 ~~person while the person is using or exhibiting a weapon~~;

13 [(iii) ~~a disturbance by a group of~~  
14 ~~committed persons~~; or

15 [(iv) ~~an absconsion from the center~~]; and

16 (C) the least restrictive restraint necessary,  
17 used for the minimum duration necessary[, ~~to prevent the injury,~~  
18 ~~property damage, or absconsion~~].

19 (b) An employee of the office, or a person who contracts  
20 with the office or an employee of that person, may use chemical  
21 restraints on a committed person residing in a civil commitment  
22 center or while transporting a committed person who resides at the  
23 center only if:

24 (1) the employee or person completes a training  
25 program approved by the office on the use of chemical restraints  
26 that:

27 (A) includes instruction on the office's



1 approved chemical restraint techniques and devices and the office's  
2 verbal de-escalation policies, procedures, and practices; and

3 (B) requires the employee or person to  
4 demonstrate competency in the use of chemical restraint techniques  
5 and devices; and

6 (2) the chemical restraint is:

7 (A) used as a last resort;

8 (B) necessary to prevent or stop:

9 (i) physical injury to the committed person  
10 or another;

11 (ii) threatening behavior by the committed  
12 person;

13 (iii) a disturbance by a group of committed  
14 persons; or

15 (iv) an absconsion from the center; and

16 (C) the least restrictive restraint necessary,  
17 used for the minimum duration necessary, to prevent injury,  
18 property damage, or absconsion.

19 (c) The office shall develop procedures governing the use of  
20 mechanical or chemical restraints on committed persons.

21 SECTION 25. Section 841.102(c), Health and Safety Code, is  
22 amended to read as follows:

23 (c) The judge shall set a hearing if the judge determines by  
24 a preponderance of the evidence at the biennial review that:

25 (1) a requirement imposed on the person under this  
26 chapter should be modified; or

27 (2) [~~probable cause exists to believe that~~] the

1 person's behavioral abnormality has changed to the extent that the  
2 person is no longer likely to engage in a predatory act of sexual  
3 violence.

4 SECTION 26. Sections 841.123(a), (c), and (d), Health and  
5 Safety Code, are amended to read as follows:

6 (a) If the committed person files a petition for release  
7 without the office's authorization, the person shall serve the  
8 petition on the court, ~~and~~ the attorney representing the state,  
9 and the office.

10 (c) Except as provided by Subsection (d), the judge shall  
11 deny without a hearing a petition for release filed without the  
12 office's authorization if ~~[the petition is frivolous or if]:~~

13 (1) the judge determines by a preponderance of the  
14 evidence that [petitioner previously filed without the office's  
15 authorization another petition for release; and

16 ~~[(2) the judge determined on review of the previous~~  
17 ~~petition or following a hearing that:~~

18 ~~[(A) the petition was frivolous; or~~

19 ~~[(B)] the petitioner's behavioral abnormality~~  
20 has ~~had~~ not changed to the extent that the petitioner is ~~was~~ no  
21 longer likely to engage in a predatory act of sexual violence; or

22 (2) the petitioner has filed the petition for release  
23 before the 180th day after the date an order was entered under  
24 Subchapter D or F or a previous order was entered under this  
25 section.

26 (d) The judge is not required to deny a petition under  
27 Subsection (c) (2) if the judge determines by a preponderance of the

1 evidence [~~probable cause exists to believe~~] that the petitioner's  
2 behavioral abnormality has changed to the extent that the  
3 petitioner is no longer likely to engage in a predatory act of  
4 sexual violence.

5 SECTION 27. Chapter 841, Health and Safety Code, is amended  
6 by adding Subchapter I to read as follows:

7 SUBCHAPTER I. ADMINISTRATION OF CERTAIN MEDICATION TO CERTAIN  
8 SEXUALLY VIOLENT PREDATORS

9 Sec. 841.201. DEFINITIONS. In this subchapter:

- 10 (1) "Capacity" means a committed person's ability to:  
11 (A) understand the nature and consequences of a  
12 proposed treatment, including the benefits, risks, and  
13 alternatives to the proposed treatment; and  
14 (B) make a decision whether to undergo the  
15 proposed treatment.
- 16 (2) "Medication-related emergency" means a situation  
17 in which it is immediately necessary to administer medication to a  
18 committed person to prevent:
- 19 (A) imminent probable death or substantial  
20 bodily harm to the committed person because the committed person:  
21 (i) overtly or continually is threatening  
22 or attempting to commit suicide or serious bodily harm; or  
23 (ii) is behaving in a manner that indicates  
24 that the committed person is unable to satisfy the committed  
25 person's need for nourishment, essential medical care, or  
26 self-protection; or  
27 (B) imminent physical or emotional harm to

1 another because of threats, attempted acts, or acts the committed  
2 person overtly or continually makes or commits.

3 (3) "Psychoactive medication" has the meaning  
4 assigned by Section 574.101.

5 Sec. 841.202. ADMINISTRATION OF MEDICATION TO COMMITTED  
6 PERSON. A person may not administer a psychoactive medication to a  
7 committed person who refuses to take the medication voluntarily  
8 unless:

9 (1) the committed person is having a  
10 medication-related emergency; or

11 (2) the committed person is under an order issued  
12 under Section 841.205 authorizing the administration of medication  
13 regardless of the committed person's refusal.

14 Sec. 841.203. PHYSICIAN'S APPLICATION FOR ORDER TO  
15 AUTHORIZE PSYCHOACTIVE MEDICATION; DATE OF HEARING. (a) A  
16 physician who is treating a committed person may, on behalf of the  
17 state, file an application in a probate court or a court with  
18 probate jurisdiction for an order to authorize the administration  
19 of a psychoactive medication regardless of the committed person's  
20 refusal if:

21 (1) the physician believes that the committed person  
22 lacks the capacity to make a decision regarding the administration  
23 of the psychoactive medication;

24 (2) the physician determines that the medication is  
25 the proper course of treatment for the committed person;

26 (3) the committed person is receiving mental health  
27 services under Section 841.0835 or other law; and

1           (4) the committed person, verbally or by other  
2 indication, refuses to take the medication voluntarily.

3           (b) An application filed under this section must state:

4           (1) that the physician believes that the committed  
5 person lacks the capacity to make a decision regarding  
6 administration of the psychoactive medication and the reasons for  
7 that belief;

8           (2) each medication the physician wants the court to  
9 compel the committed person to take;

10           (3) whether the committed person is receiving mental  
11 health services under Section 841.0835 or other law;

12           (4) the physician's diagnosis of the committed person;  
13 and

14           (5) the proposed method for administering the  
15 medication and, if the method is not customary, an explanation  
16 justifying the departure from the customary methods.

17           (c) An application filed under this section is separate from  
18 an application for court-ordered mental health services.

19           (d) A hearing on the application must be held not later than  
20 the 30th day after the date the application was filed. If the  
21 committed person is transferred to a mental health facility in  
22 another county, the court may transfer the application to the  
23 county where the committed person has been transferred.

24           (e) Subject to the requirement in Subsection (d) that the  
25 hearing be held not later than the 30th day after the date the  
26 application was filed, the court may grant one continuance on a  
27 party's motion and for good cause shown. The court may grant more

1 than one continuance only with the agreement of the parties.

2 Sec. 841.204. RIGHTS OF COMMITTED PERSON. A committed  
3 person for whom an application under Section 841.203 is filed is  
4 entitled to:

5 (1) representation by a court-appointed attorney who  
6 is knowledgeable about issues to be adjudicated at the hearing;

7 (2) meet with that attorney as soon as is practicable  
8 to prepare for the hearing and to discuss any of the committed  
9 person's questions or concerns;

10 (3) receive, immediately after the time of the hearing  
11 is set, a copy of the application and written notice of the time,  
12 place, and date of the hearing;

13 (4) be told, at the time personal notice of the hearing  
14 is given, of the committed person's right to a hearing and right to  
15 the assistance of an attorney to prepare for the hearing and to  
16 answer any questions or concerns;

17 (5) be present at the hearing;

18 (6) request from the court an independent expert; and

19 (7) be notified orally, at the conclusion of the  
20 hearing, of the court's determinations of the committed person's  
21 capacity and best interests.

22 Sec. 841.205. HEARING AND ORDER AUTHORIZING PSYCHOACTIVE  
23 MEDICATION. (a) The court may issue an order authorizing the  
24 administration of one or more classes of psychoactive medication to  
25 a committed person who is receiving mental health services under  
26 Section 841.0835 or other law.

27 (b) The court may issue an order under this section only if

1 the court finds by clear and convincing evidence after a hearing  
2 that the committed person:

3 (1) lacks the capacity to make a decision regarding  
4 the administration of the proposed medication and treatment with  
5 the proposed medication is in the best interest of the committed  
6 person; or

7 (2) as determined under Section 841.206, presents a  
8 danger to the committed person or others in the civil commitment  
9 center in which the committed person is being treated.

10 (c) In making the finding that treatment with the proposed  
11 medication is in the best interest of the committed person, the  
12 court shall consider:

13 (1) the committed person's expressed preferences  
14 regarding treatment with psychoactive medication;

15 (2) the committed person's religious beliefs;

16 (3) the risks and benefits, from the perspective of  
17 the committed person, of taking psychoactive medication;

18 (4) the consequences to the committed person if the  
19 psychoactive medication is not administered;

20 (5) the prognosis for the committed person if the  
21 committed person is treated with psychoactive medication;

22 (6) alternative, less intrusive treatments that are  
23 likely to produce the same results as treatment with psychoactive  
24 medication; and

25 (7) less intrusive treatments likely to secure the  
26 committed person's agreement to take the psychoactive medication.

27 (d) A hearing under this subchapter shall be conducted on

1 the record by the probate judge or judge with probate jurisdiction,  
2 except as provided by Subsection (e).

3 (e) A judge may refer a hearing to a magistrate or  
4 court-appointed associate judge who has training regarding  
5 psychoactive medications. The magistrate or associate judge may  
6 provide the notice, set hearing dates, and appoint attorneys as  
7 required by this subchapter. A record is not required if the  
8 hearing is held by a magistrate or court-appointed associate judge.

9 (f) A party is entitled to a hearing de novo by the judge if  
10 an appeal of the magistrate's or associate judge's report is filed  
11 with the court not later than the third day after the date the  
12 report is issued. The hearing de novo must be held not later than  
13 the 30th day after the date the application under Section 841.203  
14 was filed.

15 (g) If a hearing or an appeal of a magistrate's or associate  
16 judge's report is to be held in a county court in which the judge is  
17 not a licensed attorney, the committed person or the committed  
18 person's attorney may request that the proceeding be transferred to  
19 a court with a judge who is licensed to practice law in this state.  
20 The county judge shall transfer the case after receiving the  
21 request, and the receiving court shall hear the case as if it had  
22 been originally filed in that court.

23 (h) As soon as practicable after the conclusion of the  
24 hearing, the committed person is entitled to have provided to the  
25 committed person and the committed person's attorney written  
26 notification of the court's determinations under this section. The  
27 notification must include a statement of the evidence on which the



1 court relied and the reasons for the court's determinations.

2 (i) An order issued under this section shall authorize the  
3 administration to a committed person, regardless of the committed  
4 person's refusal, of one or more classes of psychoactive  
5 medications specified in the application and consistent with the  
6 committed person's diagnosis. The order shall permit an increase  
7 or decrease in a medication's dosage, continuation of medication  
8 authorized but discontinued during the period the order is valid,  
9 or the substitution of a medication within the same class.

10 (j) The classes of psychoactive medications in the order  
11 must conform to classes determined by the Health and Human Services  
12 Commission.

13 (k) An order issued under this section may be reauthorized  
14 or modified on the petition of a party. The order remains in effect  
15 pending action on a petition for reauthorization or modification.  
16 For the purpose of this subsection, "modification" means a change  
17 of a class of medication authorized in the order.

18 Sec. 841.206. FINDING THAT COMMITTED PERSON PRESENTS A  
19 DANGER. In making a finding under Section 841.205(b)(2) that the  
20 committed person presents a danger to the committed person or  
21 others in the civil commitment center in which the committed person  
22 is being treated, the court shall consider:

23 (1) an assessment of the committed person's present  
24 mental condition;

25 (2) whether the committed person has inflicted,  
26 attempted to inflict, or made a serious threat of inflicting  
27 substantial physical or emotional harm to the committed person's

1 self or to another while in the center; and

2 (3) whether the committed person, in the 180-day  
3 period preceding the date the committed person was placed in the  
4 center, has inflicted, attempted to inflict, or made a serious  
5 threat of inflicting substantial physical or emotional harm to  
6 another.

7 Sec. 841.207. COSTS. (a) The court shall order the payment  
8 of reasonable compensation to attorneys, physicians, language  
9 interpreters, sign interpreters, and associate judges appointed  
10 under this subchapter. The compensation paid shall be assessed as  
11 court costs.

12 (b) The agency responsible for services under Section  
13 841.0835(a) shall pay as provided by Subsection (a) the costs of a  
14 hearing held under Section 841.205 regarding an order for the  
15 administration of psychoactive medication to a committed person.

16 Sec. 841.208. APPEAL. (a) An appeal from an order issued  
17 under Section 841.205, or from a renewal or modification of an  
18 order, must be filed in the court of appeals for the county in which  
19 the order is issued.

20 (b) Notice of appeal must be filed not later than the 10th  
21 day after the date on which the order is issued.

22 (c) When an appeal is filed, the clerk shall immediately  
23 send a certified transcript of the proceedings to the court of  
24 appeals.

25 (d) An order issued under Section 841.205 is effective  
26 pending an appeal of the order.

27 (e) The court of appeals and supreme court shall give an

1 appeal under this section preference over all other cases and shall  
2 advance the appeal on the docket. The courts may suspend all rules  
3 relating to the time for filing briefs and docketing cases.

4 Sec. 841.209. EXPIRATION OF ORDER. An order issued under  
5 Section 841.205 expires on the first anniversary of the date the  
6 order was issued.

7 SECTION 28. The changes in law made by this Act in amending  
8 Sections 20.02, 21.07, 21.08, 22.01, and 38.11, Penal Code, apply  
9 only to an offense committed on or after the effective date of this  
10 Act. An offense committed before the effective date of this Act is  
11 governed by the law in effect on the date the offense was committed,  
12 and the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense occurred  
15 before that date.

16 SECTION 29. Chapter 14A, Civil Practice and Remedies Code,  
17 as added by this Act, applies only to an action filed on or after the  
18 effective date of this Act.

19 SECTION 30. Chapter 78B, Civil Practice and Remedies Code,  
20 as added by this Act, applies only to a cause of action that accrues  
21 on or after the effective date of this Act.

22 SECTION 31. Subchapter I, Chapter 841, Health and Safety  
23 Code, as added by this Act, applies to a hearing ordering the  
24 administration of psychoactive medication to a committed person  
25 under that chapter that occurs on or after the effective date of  
26 this Act, regardless of whether the applicable conduct of the  
27 committed person being evaluated for that purpose occurred before,

1 on, or after the effective date of this Act.

2 SECTION 32. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1179 passed the Senate on April 20, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1179 passed the House on May 17, 2023, by the following vote: Yeas 142, Nays 2, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

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AN ACT

relating to civil actions by a civilly committed individual.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 14A to read as follows:

CHAPTER 14A. LITIGATION BY CIVILLY COMMITTED INDIVIDUAL

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 14A.001. DEFINITIONS. In this chapter:

(1) "Civilly committed individual" means a sexually violent predator as defined by Section 841.003, Health and Safety Code, who has been committed to a facility operated by or under contract with the Texas Civil Commitment Office.

(2) "Claim" means a cause of action governed by this chapter.

(3) "Office" means the Texas Civil Commitment Office.

(4) "Trust account" means a civilly committed individual's trust account administered by the office or by a facility under contract with the office.

(5) "Unsworn declaration" means a document executed in accordance with Chapter 132.

Sec. 14A.002. SCOPE OF CHAPTER. (a) This chapter applies only to an action, including an appeal or original proceeding, brought by a civilly committed individual in a district, county, or justice court or an appellate court, including the supreme court or

1 the court of criminal appeals, in which an affidavit or unsworn  
2 declaration of inability to pay costs is filed by the civilly  
3 committed individual.

4 (b) This chapter does not apply to an action brought under  
5 the Family Code.

6 SUBCHAPTER B. DISMISSAL OF AND REQUIREMENTS FOR CLAIM

7 Sec. 14A.051. DISMISSAL OF FALSE, FRIVOLOUS, OR MALICIOUS  
8 CLAIM. (a) A court may dismiss a claim, either before or after  
9 service of process, if the court finds that:

10 (1) the allegation of poverty in the affidavit or  
11 unsworn declaration is false;

12 (2) the claim is frivolous or malicious; or

13 (3) the civilly committed individual filed an  
14 affidavit or unsworn declaration required by this chapter that the  
15 individual knew was false.

16 (b) In determining whether a claim is frivolous or  
17 malicious, the court may consider whether:

18 (1) the claim's realistic chance of ultimate success  
19 is slight;

20 (2) the claim has no arguable basis in law or in fact;

21 (3) it is clear that the civilly committed individual  
22 cannot prove the facts in support of the claim; or

23 (4) the claim is substantially similar to a previous  
24 claim filed by the civilly committed individual because the claim  
25 arises from the same operative facts.

26 (c) In determining whether Subsection (a) applies, the  
27 court may hold a hearing. The hearing may be held before or after

1 service of process, and it may be held on motion of the court, a  
2 party, or the court clerk.

3 (d) On the filing of a motion under Subsection (c), the  
4 court shall suspend discovery relating to the claim pending the  
5 hearing.

6 (e) A court that dismisses a claim brought by a civilly  
7 committed individual housed in a facility operated by or under  
8 contract with the office may notify the office of the dismissal and,  
9 on the court's own motion or the motion of any party or the court  
10 clerk, may advise the office that a mental health evaluation of the  
11 individual may be appropriate.

12 Sec. 14A.052. AFFIDAVIT RELATING TO PREVIOUS FILINGS.

13 (a) A civilly committed individual who files an affidavit or  
14 unsworn declaration of inability to pay costs shall file a separate  
15 affidavit or declaration:

16 (1) identifying the court that ordered the  
17 individual's civil commitment under Chapter 841, Health and Safety  
18 Code;

19 (2) indicating whether any cause of action or  
20 allegation contained in the petition has previously been filed in  
21 any other court, and if so, stating the cause of action or  
22 allegation previously filed and complying with Subdivision (6) and  
23 Subsection (b);

24 (3) identifying each action, other than an action  
25 under the Family Code, previously brought by the individual in  
26 which the individual was not represented by an attorney, without  
27 regard to whether the individual was civilly committed at the time

1 the action was brought;

2 (4) certifying that all grievance processes  
3 applicable to the matter that is the basis of the claim, if any,  
4 have been exhausted;

5 (5) certifying that no court has found the individual  
6 to be a vexatious litigant under Chapter 11; and

7 (6) describing each action that was previously brought  
8 by:

9 (A) stating the operative facts for which relief  
10 was sought;

11 (B) listing the case name, the cause number, and  
12 the court in which the action was brought;

13 (C) identifying each party named in the action;  
14 and

15 (D) stating the result of the action, including  
16 whether the action or a claim that was a basis for the action was  
17 dismissed as frivolous or malicious under Section 13.001, 14.003,  
18 or 14A.051 or otherwise.

19 (b) If the affidavit or unsworn declaration filed under this  
20 section states that a previous action or claim was dismissed as  
21 frivolous or malicious, the affidavit or unsworn declaration must  
22 state the date of the final order affirming the dismissal.

23 (c) The affidavit or unsworn declaration must be  
24 accompanied by the certified copy of the trust account statement  
25 required by Section 14A.054(f).

26 Sec. 14A.053. GRIEVANCE SYSTEM DECISION; EXHAUSTION OF  
27 ADMINISTRATIVE REMEDIES. (a) A civilly committed individual who



1 files a claim that is subject to a grievance system established by  
2 the office or a facility under contract with the office shall file  
3 with the court:

4           (1) an affidavit or unsworn declaration stating the  
5 date that the grievance was filed and the date the written decision  
6 was received by the individual; and

7           (2) a copy of the written decision from the grievance  
8 system.

9           (b) A court shall dismiss a claim if the civilly committed  
10 individual fails to file the claim before the 31st day after the  
11 date the individual receives the written decision from the  
12 grievance system.

13           (c) If a claim is filed before the grievance system  
14 procedure is complete, the court shall stay the proceeding with  
15 respect to the claim for a period not to exceed 180 days to permit  
16 completion of the grievance system procedure.

17           Sec. 14A.054. COURT FEES, COURT COSTS, OTHER COSTS. (a) A  
18 court may order a civilly committed individual who has filed a claim  
19 to pay court fees, court costs, and other costs in accordance with  
20 this section and Section 14A.055. The court clerk shall mail a copy  
21 of the court's order and a certified bill of costs to the office or  
22 facility under contract with the office, as appropriate.

23           (b) On the court's order, the civilly committed individual  
24 shall pay an amount equal to the lesser of:

25                   (1) 20 percent of the preceding six months' deposits to  
26 the individual's trust account; or

27                   (2) the total amount of court fees, court costs, and

1 other costs.

2 (c) In each month following the month in which payment is  
3 made under Subsection (b), the civilly committed individual shall  
4 pay an amount equal to the lesser of:

5 (1) 10 percent of that month's deposits to the trust  
6 account; or

7 (2) the total amount of court fees, court costs, and  
8 other costs that remains unpaid.

9 (d) Payments under Subsection (c) shall continue until the  
10 total amount of court fees, court costs, and other costs are paid or  
11 until the civilly committed individual is released from  
12 confinement.

13 (e) On receipt of a copy of an order issued under Subsection  
14 (a), the office or facility under contract with the office shall  
15 withdraw money from the trust account in accordance with  
16 Subsections (b), (c), and (d). The office or facility shall hold  
17 the money in a separate account and shall forward the money to the  
18 court clerk on the earlier of the following dates:

19 (1) the date the total amount to be forwarded equals  
20 the total amount of court fees, court costs, and other costs that  
21 remains unpaid; or

22 (2) the date the civilly committed individual is  
23 released.

24 (f) The civilly committed individual shall file a certified  
25 copy of the individual's trust account statement with the court.  
26 The statement must reflect the balance of the account at the time  
27 the claim is filed and activity in the account during the six months

1 preceding the date on which the claim is filed. The court may  
2 request the office to furnish the information required under this  
3 subsection.

4 (g) A civilly committed individual may authorize payment in  
5 addition to that required by this section.

6 (h) The court may dismiss a claim if the civilly committed  
7 individual fails to pay fees and costs assessed under this section.

8 (i) A civilly committed individual may not avoid the fees  
9 and costs assessed under this section by nonsuiting a party or by  
10 voluntarily dismissing the action.

11 Sec. 14A.055. OTHER COSTS. (a) An order under Section  
12 14A.054(a) must include the costs described by Subsection (b) if  
13 the court finds that:

14 (1) the civilly committed individual has previously  
15 filed an action to which this chapter or Chapter 14 applies; and

16 (2) a final order has been issued that affirms that the  
17 action was dismissed as frivolous or malicious under Section  
18 13.001, 14.003, or 14A.051 or otherwise.

19 (b) If Subsection (a) applies, costs of court must include  
20 expenses incurred by the court or by the office or facility under  
21 contract with the office, in connection with the claim and not  
22 otherwise charged to the civilly committed individual under Section  
23 14A.054, including:

24 (1) expenses of service of process;

25 (2) postage; and

26 (3) transportation, housing, or medical care incurred  
27 in connection with the appearance of the individual in the court for

1 any proceeding.

2 Sec. 14A.056. HEARING. (a) The court may hold a hearing  
3 under this chapter at a facility operated by or under contract with  
4 the office or may conduct the hearing with video communications  
5 technology that permits the court to see and hear the civilly  
6 committed individual and that permits the individual to see and  
7 hear the court and any other witness.

8 (b) A hearing conducted under this section by video  
9 communications technology shall be recorded on videotape or by  
10 other electronic means. The recording is sufficient to serve as a  
11 permanent record of the hearing.

12 Sec. 14A.057. SUBMISSION OF EVIDENCE. (a) The court may  
13 request a person with an admissible document or admissible  
14 testimony relevant to the subject matter of the hearing to submit a  
15 copy of the document or written statement stating the substance of  
16 the testimony.

17 (b) A written statement submitted under this section must be  
18 made under oath or made as an unsworn declaration under Section  
19 132.001.

20 (c) A copy of a document submitted under this section must  
21 be accompanied by a certification executed under oath by an  
22 appropriate custodian of the record stating that the copy is  
23 correct and any other matter relating to the admissibility of the  
24 document that the court requires.

25 (d) A person submitting a written statement or document  
26 under this section is not required to appear at the hearing.

27 (e) The court shall require that the civilly committed

1 individual be provided with a copy of each written statement or  
2 document not later than the 14th day before the date on which the  
3 hearing is to begin.

4 Sec. 14A.058. DISMISSAL OF CLAIM. (a) The court may enter  
5 an order dismissing the entire claim or a portion of the claim under  
6 this chapter.

7 (b) If a portion of the claim is dismissed, the court shall  
8 designate the issues and defendants on which the claim may proceed,  
9 subject to Sections 14A.054 and 14A.055.

10 (c) An order under this section is not subject to  
11 interlocutory appeal by the civilly committed individual.

12 Sec. 14A.059. EFFECT ON OTHER CLAIMS. (a) Except as  
13 provided by Subsection (b), on receipt of an order assessing fees  
14 and costs under Section 14A.054 that indicates that the court made  
15 the finding described by Section 14A.055(a), a court clerk may not  
16 accept for filing another claim by the civilly committed individual  
17 until the fees and costs assessed under Section 14A.054 are paid.

18 (b) A court may allow a civilly committed individual who has  
19 not paid the fees and costs assessed against the individual to file  
20 a claim for injunctive relief seeking to enjoin an act or failure to  
21 act that creates a substantial threat of irreparable injury or  
22 serious physical harm to the individual.

23 Sec. 14A.060. QUESTIONNAIRE. To implement this chapter, a  
24 court may develop, for use in that court, a questionnaire to be  
25 filed by the civilly committed individual.

26 Sec. 14A.061. REVIEW AND RECOMMENDATION BY MAGISTRATES.  
27 (a) The supreme court shall, by rule, adopt a system under which a

1 court may refer a suit governed by this chapter to a magistrate for  
2 review and recommendation.

3 (b) The system adopted under Subsection (a) may be funded  
4 from money appropriated to the supreme court or from money received  
5 by the supreme court through interagency contract or contracts.

6 (c) For the purposes of Section 14A.062, the adoption of a  
7 system by rule under Subsection (a) does not constitute a  
8 modification or repeal of a provision of this chapter.

9 Sec. 14A.062. CONFLICT WITH TEXAS RULES OF CIVIL PROCEDURE.  
10 Notwithstanding Section 22.004, Government Code, this chapter may  
11 not be modified or repealed by a rule adopted by the supreme court.

12 SECTION 2. Chapter 14A, Civil Practice and Remedies Code,  
13 as added by this Act, applies only to an action filed on or after the  
14 effective date of this Act.

15 SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2023.

S.B. No. 1180

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1180 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1180 passed the House on May 12, 2023, by the following vote: Yeas 135, Nays 7, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

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AN ACT

relating to decedents' estates and the delivery of certain notices or other communications in connection with those estates or multiple-party accounts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 22, Estates Code, is amended by adding Section 22.0295 to read as follows:

Sec. 22.0295. QUALIFIED DELIVERY METHOD. "Qualified delivery method" means delivery by:

(1) hand delivery by courier, with courier's proof of delivery receipt;

(2) certified or registered mail, return receipt requested, with return receipt; or

(3) a private delivery service designated as a designated delivery service by the United States Secretary of the Treasury under Section 7502(f)(2), Internal Revenue Code of 1986, with proof of delivery receipt.

SECTION 2. The heading to Section 51.052, Estates Code, is amended to read as follows:

Sec. 51.052. SERVICE BY MAIL OR PRIVATE DELIVERY.

SECTION 3. Sections 51.052(b), (c), (d), (e), (f), and (g), Estates Code, are amended to read as follows:

(b) Except as provided by Subsection (c), the county clerk shall issue a citation or notice required or permitted to be served



1 by a qualified delivery method [~~registered or certified mail~~] and  
2 shall serve the citation or notice by sending [~~mailing~~] the  
3 original citation or notice by a qualified delivery method  
4 [~~registered or certified mail~~].

5 (c) A personal representative shall issue a notice required  
6 to be given by the representative by a qualified delivery method  
7 [~~registered or certified mail~~] and shall serve the notice by  
8 sending [~~mailing~~] the original notice by a qualified delivery  
9 method [~~registered or certified mail~~].

10 (d) The county clerk or personal representative, as  
11 applicable, shall send [~~mail~~] a citation or notice under Subsection  
12 (b) or (c) with an instruction to deliver the citation or notice to  
13 the addressee only and with return receipt or other proof of  
14 delivery requested. The clerk or representative, as applicable,  
15 shall address the envelope containing the citation or notice to:

16 (1) the attorney of record in the proceeding for the  
17 person to be cited or notified; or

18 (2) the person to be cited or notified, if the citation  
19 or notice to the attorney is returned undelivered or the person to  
20 be cited or notified has no attorney of record in the proceeding.

21 (e) Service by a qualified delivery method [~~mail~~] shall be  
22 made at least 20 days before the return day of the service,  
23 excluding the date of service. The date of service [~~by mail~~] is the  
24 date of mailing, the date of deposit with the private delivery  
25 service, or the date of delivery by the courier, as applicable.

26 (f) A copy of a citation or notice served under Subsection  
27 (a), (b), or (c), together with a certificate of the person serving

1 the citation or notice showing that the citation or notice was sent  
2 ~~[mailed]~~ and the date of the mailing, date of deposit with a private  
3 delivery service, or date of delivery by courier, as applicable,  
4 shall be filed and recorded. A returned receipt or proof of  
5 delivery receipt for a citation or notice served under Subsection  
6 (b) or (c) shall be attached to the certificate.

7 (g) If a citation or notice served by a qualified delivery  
8 method ~~[mail]~~ is returned undelivered, a new citation or notice  
9 shall be issued. Service of the new citation or notice must be made  
10 by posting.

11 SECTION 4. Section 51.055(a), Estates Code, is amended to  
12 read as follows:

13 (a) If a party is represented by an attorney of record in a  
14 probate proceeding, each citation or notice required to be served  
15 on the party in that proceeding shall be served instead on that  
16 attorney. A notice under this subsection may be served by delivery  
17 to the attorney in person or by a qualified delivery method  
18 ~~[registered or certified mail]~~.

19 SECTION 5. Section 51.056, Estates Code, is amended to read  
20 as follows:

21 Sec. 51.056. SERVICE ON PERSONAL REPRESENTATIVE OR  
22 RECEIVER. Unless this title expressly provides for another method  
23 of service, the county clerk who issues a citation or notice  
24 required to be served on a personal representative or receiver  
25 shall serve the citation or notice by sending ~~[mailing]~~ the  
26 original citation or notice by a qualified delivery method  
27 ~~[registered or certified mail]~~ to:

1 (1) the representative's or receiver's attorney of  
2 record; or

3 (2) the representative or receiver, if the  
4 representative or receiver does not have an attorney of record.

5 SECTION 6. Section 51.103(b), Estates Code, is amended to  
6 read as follows:

7 (b) Proof of service consists of:

8 (1) if the service is made by a sheriff or constable,  
9 the return of service;

10 (2) if the service is made by a private person, the  
11 person's affidavit;

12 (3) if the service is made by a qualified delivery  
13 method ~~[mail]~~:

14 (A) the certificate of the county clerk making  
15 the service, or the affidavit of the personal representative or  
16 other person making the service, stating that the citation or  
17 notice was mailed, deposited with a private delivery service, or  
18 delivered by courier, as applicable, and the date of the mailing or  
19 deposit with the delivery service or the date of the courier  
20 delivery, as applicable; and

21 (B) the return receipt or other proof of delivery  
22 receipt attached to the certificate or affidavit, as applicable, if  
23 the sending ~~[mailing]~~ was by a qualified delivery method  
24 ~~[registered or certified mail]~~ and a receipt is available ~~[has been~~  
25 ~~returned]~~; and

26 (4) if the service is made by publication:

27 (A) a statement:

1 (i) made by the Office of Court  
2 Administration of the Texas Judicial System or an employee of the  
3 office;

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

6 (iii) that states the date of publication  
7 on the public information Internet website maintained as required  
8 by Section 72.034, Government Code~~[, as added by Chapter 606 (S.B.  
9 891), Acts of the 86th Legislature, Regular Session, 2019]~~; and

10 (B) an affidavit:

11 (i) made by the publisher of the newspaper  
12 in which the citation or notice was published or an employee of the  
13 publisher;

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

16 (iii) that states the date of publication  
17 printed on the newspaper in which the citation or notice was  
18 published.

19 SECTION 7. Section 56.002(b), Estates Code, is amended to  
20 read as follows:

21 (b) The resident agent shall send, by a qualified delivery  
22 method ~~[certified mail, return receipt requested]~~, a copy of a  
23 resignation statement filed under Subsection (a) to:

24 (1) the personal representative at the address most  
25 recently known by the resident agent; and

26 (2) each party in the case or the party's attorney or  
27 other designated representative of record.

1 SECTION 8. The heading to Section 101.052, Estates Code, is  
2 amended to read as follows:

3 Sec. 101.052. LIABILITY OF COMMUNITY PROPERTY FOR DEBTS [~~OF~~  
4 ~~DECEASED SPOUSE~~].

5 SECTION 9. Section 101.052, Estates Code, is amended by  
6 amending Subsections (a) and (b) and adding Subsection (a-1) to  
7 read as follows:

8 (a) The community property that was by law under [~~subject~~  
9 ~~to~~] the sole management, control, and disposition of a spouse or  
10 under the joint management, control, and disposition of the spouses  
11 [a spouse] during marriage continues to be subject to the  
12 liabilities of that spouse on the death of either spouse.

13 (a-1) The undivided one-half interest that the surviving  
14 spouse owned in community property that was by law under the sole  
15 management, control, and disposition of the deceased spouse during  
16 marriage is subject to the liabilities of the surviving spouse on  
17 the death of the deceased spouse.

18 (b) The undivided one-half interest that the deceased  
19 spouse owned in [~~any other nonexempt~~] community property that was  
20 by law under the sole management, control, and disposition of the  
21 surviving spouse during marriage passes to the deceased spouse's  
22 heirs or devisees charged with the liabilities of [~~debts that were~~  
23 ~~enforceable against~~] the deceased spouse [~~before death~~].

24 SECTION 10. Sections 113.001(1) and (8), Estates Code, are  
25 amended to read as follows:

26 (1) "Account" means a contract of deposit of funds or  
27 securities between a depositor and a financial institution. The

1 term includes:

2                   (A) an account with cash deposits, including a  
3 checking account, savings account, certificate of deposit, and  
4 share account;

5                   (B) an account holding securities, including  
6 stocks, bonds, and mutual funds; and

7                   (C) another [~~or other~~] similar arrangement.

8                   (8) "Sums on deposit" means the balance payable or  
9 transferable on a multiple-party account including cash, interest,  
10 dividends, any type of securities, including stocks, bonds, and  
11 mutual funds, and any deposit of life insurance proceeds added to  
12 the account by reason of the death of a party.

13                 SECTION 11. Section 113.251(c), Estates Code, is amended to  
14 read as follows:

15                 (c) Not later than the 30th day after the date a security  
16 interest on a multiple-party account is perfected, a secured  
17 creditor that is a financial institution with accounts insured by  
18 the Federal Deposit Insurance Corporation shall provide written  
19 notice of the pledge of the account to any other party to the  
20 account who did not create the security interest. The notice must  
21 be sent by a qualified delivery method [~~certified mail~~] to each  
22 other party at the last address the party provided to the depository  
23 bank.

24                 SECTION 12. Section 202.005, Estates Code, is amended to  
25 read as follows:

26                 Sec. 202.005. APPLICATION FOR PROCEEDING TO DECLARE  
27 HEIRSHIP. A person authorized by Section 202.004 to commence a

1 proceeding to declare heirship must file an application in a court  
2 specified by Section 33.004 to commence the proceeding. The  
3 application must state:

4 (1) the decedent's name and date and place of death;

5 (2) the names and physical addresses where service can  
6 be had of the decedent's heirs, the relationship of each heir to the  
7 decedent, whether each heir is an adult or minor, and the true  
8 interest of the applicant and each of the heirs in the decedent's  
9 estate or in the trust, as applicable;

10 (3) if the date or place of the decedent's death or the  
11 name or physical address where service can be had of an heir is not  
12 definitely known to the applicant, all the material facts and  
13 circumstances with respect to which the applicant has knowledge and  
14 information that might reasonably tend to show the date or place of  
15 the decedent's death or the name or physical address where service  
16 can be had of the heir;

17 (4) that all children born to or adopted by the  
18 decedent have been listed;

19 (5) that each of the decedent's marriages has been  
20 listed with:

21 (A) the date of the marriage;

22 (B) the name of the spouse;

23 (C) the date and place of termination if the  
24 marriage was terminated; and

25 (D) other facts to show whether a spouse has had  
26 an interest in the decedent's property;

27 (6) whether the decedent died testate and, if so, what

1 disposition has been made of the will;

2 (7) a general description of all property, as  
3 applicable:

4 (A) belonging to the decedent's estate that is  
5 subject to distribution under a judgment in the proceeding; or

6 (B) held in trust for the benefit of the  
7 decedent [~~as applicable~~]; and

8 (8) an explanation for the omission from the  
9 application of any of the information required by this section.

10 SECTION 13. Section 202.051, Estates Code, is amended to  
11 read as follows:

12 Sec. 202.051. SERVICE OF CITATION BY QUALIFIED DELIVERY  
13 METHOD [~~MAIL~~] WHEN RECIPIENT'S NAME AND ADDRESS ARE KNOWN OR  
14 ASCERTAINABLE. Except as provided by Section 202.054, citation in  
15 a proceeding to declare heirship must be served by a qualified  
16 delivery method [~~registered or certified mail~~] on:

17 (1) each distributee who is 12 years of age or older  
18 and whose name and address are known or can be ascertained through  
19 the exercise of reasonable diligence; and

20 (2) the parent, managing conservator, or guardian of  
21 each distributee who is younger than 12 years of age if the name and  
22 address of the parent, managing conservator, or guardian are known  
23 or can be reasonably ascertained.

24 SECTION 14. Section 202.056, Estates Code, is amended to  
25 read as follows:

26 Sec. 202.056. WAIVER OF SERVICE OF CITATION. (a) A [~~Except~~  
27 ~~as provided by Subsection (b)(2), a~~] distributee who is 16 years of



1 age or older may waive citation required by this subchapter to be  
2 served on the distributee.

3 (b) A parent, managing conservator, guardian, attorney ad  
4 litem, or guardian ad litem of a [~~minor~~] distributee who is younger  
5 than 16 years of age may[+]

6 [~~(1) is younger than 12 years of age may~~] waive  
7 citation required by this subchapter to be served on the  
8 distributee[+ and

9 [~~(2) is 12 years of age or older may not waive citation~~  
10 ~~required by this subchapter to be served on the distributee].~~

11 SECTION 15. Section 202.151, Estates Code, is amended by  
12 amending Subsections (b) and (c) and adding Subsection (d) to read  
13 as follows:

14 (b) Except as provided by Subsection (c), in a proceeding to  
15 declare heirship, testimony regarding a decedent's heirs and family  
16 history must be taken:

17 (1) from two disinterested and credible witnesses in  
18 open court;

19 (2) [7] by deposition in accordance with Section  
20 51.203;

21 (3) by a recorded statement of facts contained in:

22 (A) an affidavit or instrument that satisfies the  
23 requirements of Section 203.001; or

24 (B) a judgment of a court of record as specified  
25 by Section 203.001(a)(1)(B);[7] or

26 (4) in accordance with the Texas Rules of Civil  
27 Procedure.

1 (c) If it is shown to the court's satisfaction in a  
2 proceeding to declare heirship that, after a diligent search was  
3 made, only one disinterested and credible witness can be found who  
4 can make the required proof in the proceeding, the testimony of that  
5 witness must be taken:

6 (1) in open court;

7 (2) ~~by~~ by deposition in accordance with Section  
8 51.203;

9 (3) by a recorded statement of facts contained in:

10 (A) an affidavit or instrument that satisfies the  
11 requirements of Section 203.001; or

12 (B) a judgment of a court of record as specified  
13 by Section 203.001(a)(1)(B);~~by~~ or

14 (4) in accordance with the Texas Rules of Civil  
15 Procedure.

16 (d) Notwithstanding any other law, a person interested in an  
17 estate solely because the person is a creditor or has a claim  
18 against the estate may serve as a witness under this section if the  
19 person is otherwise a credible witness.

20 SECTION 16. Section 202.203, Estates Code, is amended to  
21 read as follows:

22 Sec. 202.203. CORRECTION OF JUDGMENT AT REQUEST OF HEIR NOT  
23 PROPERLY SERVED. If an heir of a decedent who is the subject of a  
24 proceeding to declare heirship is not served with citation by a  
25 qualified delivery method [~~registered or certified mail~~] or  
26 personal service in the proceeding, the heir may:

27 (1) have the judgment in the proceeding corrected by

1 bill of review:

2 (A) at any time, but not later than the fourth  
3 anniversary of the date of the judgment; or

4 (B) after the passage of any length of time, on  
5 proof of actual fraud; and

6 (2) recover the heir's just share of the property or  
7 the value of that share from:

8 (A) the heirs named in the judgment; and

9 (B) those who claim under the heirs named in the  
10 judgment and who are not bona fide purchasers for value.

11 SECTION 17. Section 251.053, Estates Code, is amended to  
12 read as follows:

13 Sec. 251.053. EXCEPTION FOR FOREIGN AND CERTAIN OTHER  
14 WILLS. A [Section 251.051 does not apply to a] written will does  
15 not need to meet the requirements of Section 251.051 if the will is  
16 executed in compliance with:

17 (1) the law of the state or foreign country where the  
18 will was executed, as that law existed at the time of the will's  
19 execution; or

20 (2) the law of the state or foreign country where the  
21 testator was domiciled or had a place of residence, as that law  
22 existed at the time of the will's execution or at the time of the  
23 testator's death.

24 SECTION 18. Section 258.002, Estates Code, is amended by  
25 adding Subsections (d) and (e) to read as follows:

26 (d) An heir who is 16 years of age or older may waive  
27 citation required by this section to be served on the heir.

1           (e) The parent, managing conservator, guardian, attorney ad  
2 litem, or guardian ad litem of an heir who is younger than 16 years  
3 of age may waive citation required by this section to be served on  
4 the heir.

5           SECTION 19. Section 304.003, Estates Code, is amended to  
6 read as follows:

7           Sec. 304.003. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR  
8 ADMINISTRATOR. (a) Except as provided by Subsection (b), a [A]  
9 person is not qualified to serve as an executor or administrator if  
10 the person is:

11                   (1) incapacitated;

12                   (2) a felon convicted under the laws of the United  
13 States or of any state of the United States unless, in accordance  
14 with law, the person has been pardoned or has had the person's civil  
15 rights restored;

16                   (3) a nonresident of this state who:

17                           (A) is a natural person or corporation; and

18                           (B) has not:

19                                   (i) appointed a resident agent to accept  
20 service of process in all actions or proceedings with respect to the  
21 estate; or

22                                   (ii) had that appointment filed with the  
23 court;

24                   (4) a corporation not authorized to act as a fiduciary  
25 in this state; or

26                   (5) a person whom the court finds unsuitable.

27           (b) A person described by Subsection (a)(2) is not

1 disqualified from serving as an executor of a decedent's estate  
2 under Subsection (a)(2) if:

3 (1) the person is named as executor in the decedent's  
4 will;

5 (2) the person is otherwise qualified to serve as an  
6 executor; and

7 (3) the court approves the person serving as an  
8 executor.

9 SECTION 20. Section 305.001, Estates Code, is amended to  
10 read as follows:

11 Sec. 305.001. DEFINITIONS. In this chapter:

12 (1) "Bond" means a bond required by this chapter to be  
13 given by a person appointed to serve as a personal representative.

14 (2) "Declaration" means a written declaration that may  
15 be made and signed by a person appointed to serve as a personal  
16 representative.

17 (3) "Oath" means an oath that may [~~required by this~~  
18 ~~chapter to~~] be taken by a person appointed to serve as a personal  
19 representative.

20 SECTION 21. Section 305.002, Estates Code, is amended to  
21 read as follows:

22 Sec. 305.002. MANNER OF QUALIFICATION OF PERSONAL  
23 REPRESENTATIVE. (a) A personal representative, other than an  
24 executor described by Subsection (b), is considered to have  
25 qualified when the representative has:

26 (1) taken and filed the oath prescribed by Subchapter  
27 B or made, signed, and filed the declaration prescribed by

1 Subchapter B;

2 (2) filed the required bond with the clerk; and

3 (3) obtained the judge's approval of the bond.

4 (b) An executor who is not required to give a bond is  
5 considered to have qualified when the executor has taken and filed  
6 the oath prescribed by Subchapter B or made, signed, and filed the  
7 declaration prescribed by Subchapter B.

8 SECTION 22. Section 305.003, Estates Code, is amended to  
9 read as follows:

10 Sec. 305.003. PERIOD FOR TAKING OATH OR MAKING AND SIGNING  
11 DECLARATION. An oath may be taken and subscribed or a declaration  
12 may be made and signed at any time before:

13 (1) the 21st day after the date of the order granting  
14 letters testamentary or of administration, as applicable; or

15 (2) the letters testamentary or of administration, as  
16 applicable, are revoked for a failure to qualify within the period  
17 allowed.

18 SECTION 23. The heading to Subchapter B, Chapter 305,  
19 Estates Code, is amended to read as follows:

20 SUBCHAPTER B. OATHS OR DECLARATIONS

21 SECTION 24. Section 305.051, Estates Code, is amended to  
22 read as follows:

23 Sec. 305.051. OATH OR DECLARATION OF EXECUTOR OR  
24 ADMINISTRATOR WITH WILL ANNEXED. (a) Before the issuance of  
25 letters testamentary or letters of administration with the will  
26 annexed, the person named as executor or appointed as administrator  
27 with the will annexed shall:

1           (1) take and subscribe an oath as prescribed by  
2 Subsection (b); or

3           (2) make and sign a declaration as prescribed by  
4 Subsection (c).

5           (b) If the person named as executor or appointed as  
6 administrator with the will annexed elects to take an oath under  
7 this section, the person shall take and subscribe an oath in  
8 substantially the following form:

9           I do solemnly swear that the writing offered for probate is  
10 the last will of \_\_\_\_\_ (insert name of testator), so far as I  
11 know or believe, and that I will well and truly perform all the  
12 duties of \_\_\_\_\_ (insert "executor of the will" or  
13 "administrator with the will annexed," as applicable) for the  
14 estate of \_\_\_\_\_ (insert name of testator).

15           (c) If the person named as executor or appointed as  
16 administrator with the will annexed elects to make a declaration  
17 under this section, the person shall make and sign a declaration in  
18 substantially the following form:

19           My name is \_\_\_\_\_ (insert name of "executor of the will" or  
20 "administrator with the will annexed" as it appears on the order  
21 appointing the person as executor or administrator with the will  
22 annexed), my date of birth is \_\_\_\_\_ (insert date of birth of  
23 "executor of the will" or "administrator with the will annexed," as  
24 applicable), and my address is \_\_\_\_\_ (insert street, city,  
25 state, zip code, and country of "executor of the will" or  
26 "administrator with the will annexed," as applicable). I declare  
27 under penalty of perjury that the writing offered for probate is the

1 last will of \_\_\_\_\_ (insert name of testator), so far as I know or  
2 believe. I also solemnly declare that I will well and truly perform  
3 all the duties of \_\_\_\_\_ (insert "executor of will" or  
4 "administrator with the will annexed," as applicable) for the  
5 estate of \_\_\_\_\_ (insert name of testator).

6 SECTION 25. Section 305.052, Estates Code, is amended to  
7 read as follows:

8 Sec. 305.052. OATH OR DECLARATION OF ADMINISTRATOR.

9 (a) Before the issuance of letters of administration, the person  
10 appointed as administrator shall:

11 (1) take and subscribe an oath as prescribed by  
12 Subsection (b); or

13 (2) make and sign a declaration as prescribed by  
14 Subsection (c).

15 (b) If the person appointed as administrator elects to take  
16 an oath under this section, the person shall take and subscribe an  
17 oath in substantially the following form:

18 I do solemnly swear that \_\_\_\_\_ (insert name of  
19 decedent), deceased, died \_\_\_\_\_ (insert "without leaving any  
20 lawful will" or "leaving a lawful will, but the executor named in  
21 the will is dead or has failed to offer the will for probate or to  
22 accept and qualify as executor, within the period required," as  
23 applicable), so far as I know or believe, and that I will well and  
24 truly perform all the duties of administrator of the estate of  
25 \_\_\_\_\_ (insert name of testator) [~~the deceased~~].

26 (c) If the person appointed as administrator elects to make  
27 a declaration under this section, the person shall make and sign a



1 declaration in substantially the following form:

2       My name is \_\_\_\_\_ (insert name of administrator as it  
3 appears on the order appointing the person as administrator), my  
4 date of birth is \_\_\_\_\_ (insert date of birth of  
5 "administrator"), and my address is \_\_\_\_\_ (insert street, city,  
6 state, zip code, and country of "administrator"). I declare under  
7 penalty of perjury that \_\_\_\_\_ (insert name of decedent),  
8 deceased, died \_\_\_\_\_ (insert "without leaving any lawful will"  
9 or "leaving a lawful will, but the executor named in the will is  
10 dead or has failed to offer the will for probate or to accept and  
11 qualify as executor, within the period required," as applicable),  
12 so far as I know or believe. I also solemnly declare that I will  
13 well and truly perform all the duties of administrator of the estate  
14 of \_\_\_\_\_ (insert name of decedent).

15       SECTION 26. Section 305.053, Estates Code, is amended to  
16 read as follows:

17       Sec. 305.053. OATH OR DECLARATION OF TEMPORARY  
18 ADMINISTRATOR. (a) Before the issuance of temporary letters of  
19 administration, the person appointed as temporary administrator  
20 shall:

21               (1) take and subscribe an oath as prescribed by  
22 Subsection (b); or

23               (2) make and sign a declaration as prescribed by  
24 Subsection (c).

25       (b) If the person appointed as temporary administrator  
26 elects to take an oath under this section, the person shall take and  
27 subscribe an oath in substantially the following form:

1 I do solemnly swear that I will well and truly perform the  
2 duties of temporary administrator of the estate of \_\_\_\_\_  
3 (insert name of decedent), deceased, in accordance with the law,  
4 and with the order of the court appointing me as temporary  
5 administrator.

6 (c) If the person appointed as temporary administrator  
7 elects to make a declaration under this section, the person shall  
8 make and sign a declaration in substantially the following form:

9 My name is \_\_\_\_\_ (insert name of temporary administrator as  
10 it appears on the order appointing the person as temporary  
11 administrator), my date of birth is \_\_\_\_\_ (insert date of birth of  
12 "temporary administrator"), and my address is \_\_\_\_\_ (insert  
13 street, city, state, zip code, and country of "temporary  
14 administrator"). I solemnly declare that I will well and truly  
15 perform all the duties of temporary administrator of the estate of  
16 \_\_\_\_\_ (insert name of decedent), in accordance with the law, and  
17 with the order of the court appointing me as temporary  
18 administrator.

19 SECTION 27. Section 305.055, Estates Code, is amended to  
20 read as follows:

21 Sec. 305.055. FILING AND RECORDING OF OATH OR  
22 DECLARATION. An oath or declaration shall be:

23 (1) filed with the clerk of the court granting the  
24 letters testamentary or of administration, as applicable; and

25 (2) recorded in the judge's probate docket.

26 SECTION 28. Section 308.002(d), Estates Code, is amended to  
27 read as follows:

1           (d) The notice required by this section must be sent by a  
2 qualified delivery method [~~registered or certified mail, return~~  
3 ~~receipt requested~~].

4           SECTION 29. Section 308.051(a), Estates Code, is amended to  
5 read as follows:

6           (a) Within one month after receiving letters testamentary  
7 or of administration, a personal representative of an estate shall  
8 provide notice requiring each person who has a claim against the  
9 estate to present the claim within the period prescribed by law by:

10                 (1) having the notice published in a newspaper of  
11 general circulation in the county in which the letters were issued;  
12 and

13                 (2) if the decedent remitted or should have remitted  
14 taxes administered by the comptroller, sending the notice to the  
15 comptroller by a qualified delivery method [~~certified or registered~~  
16 ~~mail~~].

17           SECTION 30. Sections 308.053(c) and (d), Estates Code, are  
18 amended to read as follows:

19           (c) Notice provided under this section must be:

20                 (1) sent by a qualified delivery method [~~certified or~~  
21 ~~registered mail, return receipt requested~~]; and

22                 (2) addressed to the record holder of the claim at the  
23 record holder's last known post office address.

24           (d) The following shall be filed with the clerk of the court  
25 in which the letters testamentary or of administration were issued:

26                 (1) a copy of each notice and of each return receipt or  
27 other proof of delivery receipt; and

1 (2) the personal representative's affidavit stating:

2 (A) that the notice was sent ~~mailed~~ as required  
3 by law; and

4 (B) the name of the person to whom the notice was  
5 sent ~~mailed~~, if that name is not shown on the notice or receipt.

6 SECTION 31. Section 308.054(a), Estates Code, is amended to  
7 read as follows:

8 (a) At any time before an estate administration is closed, a  
9 personal representative may give notice by a qualified delivery  
10 method ~~[certified or registered mail, return receipt requested,]~~ to  
11 an unsecured creditor who has a claim for money against the estate.

12 SECTION 32. Section 356.105(a), Estates Code, is amended to  
13 read as follows:

14 (a) A successful bid or contract for the sale of estate  
15 personal property shall be reported to the court. The laws  
16 regulating the approval or disapproval of a sale of real estate  
17 apply to the sale, except that a conveyance is not required.

18 SECTION 33. Section 356.654(b), Estates Code, is amended to  
19 read as follows:

20 (b) Before purchasing estate property as authorized by  
21 Subsection (a), the personal representative shall give notice of  
22 the purchase by a qualified delivery method ~~[certified mail, return~~  
23 ~~receipt requested]~~, unless the court requires another form of  
24 notice, to:

25 (1) each distributee of the estate; and

26 (2) each creditor whose claim remains unsettled after  
27 being presented within six months of the date letters testamentary

1 or of administration are originally granted.

2 SECTION 34. Section 361.052(b), Estates Code, is amended to  
3 read as follows:

4 (b) If a personal representative, as executor or  
5 administrator, fails to timely file the affidavit or certificate  
6 required by Section 308.004, the court, on the court's own motion,  
7 may remove the personal representative after providing 30 days'  
8 written notice to the personal representative to answer at a time  
9 and place set in the notice, by a qualified delivery method  
10 [~~certified mail, return receipt requested,~~] to:

- 11 (1) the representative's last known address; and  
12 (2) the last known address of the representative's  
13 attorney of record.

14 SECTION 35. Sections 362.005(b) and (c), Estates Code, are  
15 amended to read as follows:

16 (b) Citation issued under Subsection (a) must:

17 (1) contain:

18 (A) a statement that an account for final  
19 settlement has been presented;

20 (B) the time and place the court will consider  
21 the account; and

22 (C) a statement requiring the person cited to  
23 appear and contest the account, if the person wishes to contest the  
24 account; and

25 (2) be given to each heir or distributee of the  
26 decedent by a qualified delivery method [~~certified mail, return  
27 receipt requested,~~] unless the court by written order directs

1 another method of service to be given.

2 (c) The personal representative shall also provide to each  
3 person entitled to citation under Subsection (b) a copy of the  
4 account for final settlement either by:

5 (1) a qualified delivery method [~~certified mail,~~  
6 ~~return receipt requested~~]; or

7 (2) electronic delivery, including facsimile or  
8 e-mail.

9 SECTION 36. Section 403.056(a), Estates Code, is amended to  
10 read as follows:

11 (a) Notice to the independent executor required by Sections  
12 403.052 and 403.055 must be contained in:

13 (1) a written instrument that complies with Section  
14 355.004 and is sent by a qualified delivery method [~~hand-delivered~~  
15 ~~with proof of receipt, or mailed by certified mail, return receipt~~  
16 ~~requested with proof of receipt,~~] to the independent executor or  
17 the executor's attorney;

18 (2) a pleading filed in a lawsuit with respect to the  
19 claim; or

20 (3) a written instrument that complies with Section  
21 355.004 or a pleading filed in the court in which the administration  
22 of the estate is pending.

23 SECTION 37. Section 404.0035(a), Estates Code, is amended  
24 to read as follows:

25 (a) The probate court, on the court's own motion, may remove  
26 an independent executor appointed under this subtitle after  
27 providing 30 days' written notice of the court's intention to the

1 independent executor, requiring answering at a time and place set  
2 in the notice, by a qualified delivery method [~~certified mail,~~  
3 ~~return receipt requested~~], to the independent executor's last known  
4 address and to the last known address of the independent executor's  
5 attorney of record, if the independent executor:

6 (1) neglects to qualify in the manner and time  
7 required by law;

8 (2) fails to return, before the 91st day after the date  
9 the independent executor qualifies, either an inventory of the  
10 estate property and a list of claims that have come to the  
11 independent executor's knowledge or an affidavit in lieu of the  
12 inventory, appraisal, and list of claims, unless that deadline  
13 is extended by court order; or

14 (3) fails to timely file the affidavit or certificate  
15 required by Section 308.004.

16 SECTION 38. Section 452.006(a), Estates Code, is amended to  
17 read as follows:

18 (a) On the date the county clerk issues letters of temporary  
19 administration:

20 (1) the county clerk shall post on the courthouse door  
21 a notice of the appointment to all interested persons; and

22 (2) the appointee shall notify, by a qualified  
23 delivery method [~~certified mail, return receipt requested~~], the  
24 decedent's known heirs of the appointment.

25 SECTION 39. Section 453.003(a), Estates Code, is amended to  
26 read as follows:

27 (a) If there is no qualified executor or administrator of a

1 deceased spouse's estate, the surviving spouse, as the surviving  
2 partner of the marital partnership, may:

- 3 (1) sue and be sued to recover community property;
- 4 (2) sell, mortgage, lease, and otherwise dispose of  
5 community property to pay community debts, for which a portion of  
6 community property is liable for payment;
- 7 (3) collect claims due to the community estate; and
- 8 (4) exercise other powers as necessary to:
  - 9 (A) preserve the community property;
  - 10 (B) discharge community obligations, for which a  
11 portion of community property is liable for payment; and
  - 12 (C) wind up community affairs.

13 SECTION 40. Section 453.006, Estates Code, is amended to  
14 read as follows:

15 Sec. 453.006. ACCOUNT OF [~~COMMUNITY~~] DEBTS AND DISPOSITION  
16 OF COMMUNITY PROPERTY. (a) The surviving spouse shall keep a fair  
17 and full account and statement of:

- 18 (1) all [~~community~~] debts and expenses paid by the  
19 surviving spouse; and
- 20 (2) the disposition made of the community property.

21 (b) The surviving spouse or personal representative shall  
22 keep a separate, distinct account of all [~~community~~] debts allowed  
23 or paid in the administration and settlement of an estate described  
24 by Section 101.052 [~~Sections 101.052(a) and (b)~~].

25 SECTION 41. Section 453.007, Estates Code, is amended to  
26 read as follows:

27 Sec. 453.007. DELIVERY OF COMMUNITY ESTATE ON FINAL



1 PARTITION. On final partition of the community estate, the  
2 surviving spouse shall deliver to the deceased spouse's heirs or  
3 devisees their interest in the estate, and the increase in and  
4 profits of the interest, after deducting from the interest:

5 (1) the proportion of the [~~community~~] debts chargeable  
6 to the interest;

7 (2) unavoidable losses;

8 (3) necessary and reasonable expenses; and

9 (4) a reasonable commission for the management of the  
10 interest.

11 SECTION 42. The heading to Section 453.009, Estates Code,  
12 is amended to read as follows:

13 Sec. 453.009. DISTRIBUTION OF POWERS BETWEEN PERSONAL  
14 REPRESENTATIVE AND SURVIVING SPOUSE DURING ADMINISTRATION.

15 SECTION 43. Section 453.009(b), Estates Code, is amended to  
16 read as follows:

17 (b) During administration of a deceased spouse's estate,  
18 the [~~The~~] surviving spouse, as surviving partner of the marital  
19 partnership, is entitled to:

20 (1) retain possession and control of the community  
21 property that was legally under the sole management of the  
22 surviving spouse during the marriage; and

23 (2) exercise over that property any power this chapter  
24 authorizes the surviving spouse to exercise as if there is no  
25 administration pending on the deceased spouse's estate.

26 SECTION 44. Section 501.003(b), Estates Code, is amended to  
27 read as follows:

1           (b) For an application described by Section 501.002(b), a  
2 citation shall be issued and served by a qualified delivery method  
3 ~~[registered or certified mail]~~ on each devisee and heir identified  
4 in the application.

5           SECTION 45. Section 505.005(a), Estates Code, is amended to  
6 read as follows:

7           (a) On receipt of a notice or process described by Section  
8 505.004(a)(2), the secretary of state shall promptly forward the  
9 notice or process by a qualified delivery method ~~[registered or~~  
10 ~~certified mail]~~ to the officer, agent, or other person designated  
11 by the foreign corporate fiduciary under Section 505.004 to receive  
12 the notice or process.

13           SECTION 46. Section 505.101(a), Estates Code, is amended to  
14 read as follows:

15           (a) On giving notice by a qualified delivery method  
16 ~~[registered or certified mail]~~ to all creditors of a decedent in  
17 this state who have filed a claim against the decedent's estate for  
18 a debt due to the creditor, a foreign executor or administrator of a  
19 person who was a nonresident at the time of death may maintain a  
20 suit in this state for the recovery of debts due to the decedent.

21           SECTION 47. Section 551.005(b), Estates Code, is amended to  
22 read as follows:

23           (b) The clerk of a court that orders an executor or  
24 administrator to pay funds to the comptroller under Section 551.001  
25 shall provide to the comptroller, by a qualified delivery method  
26 ~~[certified mail]~~ or e-mail, a certified copy of the court order not  
27 later than the fifth day after the date the order is issued.

1           SECTION 48. Sections 51.052(b), (c), (d), (e), (f), and  
2 (g), 51.055(a), 51.056, 51.103(b), 56.002(b), 113.251(c), 202.051,  
3 202.203, 305.001, 305.002, 305.003, 305.051, 305.052, 305.053,  
4 305.055, 308.002(d), 308.051(a), 308.053(c) and (d), 308.054(a),  
5 356.654(b), 361.052(b), 362.005(b) and (c), 403.056(a),  
6 404.0035(a), 452.006(a), 501.003(b), 505.005(a), 505.101(a), and  
7 551.005(b), Estates Code, as amended by this Act, apply only to an  
8 action filed or proceeding commenced on or after the effective date  
9 of this Act.

10           SECTION 49. The amendments of this Act to Sections 101.052,  
11 202.005, 202.151(b) and (c), 251.053, 356.105(a), 453.003(a),  
12 453.006, 453.007, and 453.009, Estates Code, are intended to  
13 clarify rather than change existing law.

14           SECTION 50. Section 113.001, Estates Code, as amended by  
15 this Act, applies to an account established before, on, or after the  
16 effective date of this Act.

17           SECTION 51. Section 113.251(c), Estates Code, as amended by  
18 this Act, applies only to multiple-party accounts created or  
19 existing on or after the effective date of this Act.

20           SECTION 52. Section 202.056, Estates Code, as amended by  
21 this Act, applies only to a proceeding to declare heirship  
22 commenced on or after the effective date of this Act. A proceeding  
23 to declare heirship commenced before that date is governed by the  
24 law in effect on the date the proceeding was commenced, and the  
25 former law is continued in effect for that purpose.

26           SECTION 53. Section 202.151(d), Estates Code, as added by  
27 this Act, applies only to a proceeding to declare heirship

1 commenced on or after the effective date of this Act. A proceeding  
2 to declare heirship commenced before that date is governed by the  
3 law in effect on the date the proceeding was commenced, and the  
4 former law is continued in effect for that purpose.

5         SECTION 54. Sections 258.002(d) and (e), Estates Code, as  
6 added by this Act, apply only to an application for the probate of a  
7 will filed on or after the effective date of this Act. An  
8 application for the probate of a will filed before that date is  
9 governed by the law in effect on the date the application was filed,  
10 and the former law is continued in effect for that purpose.

11         SECTION 55. Section 304.003, Estates Code, as amended by  
12 this Act, applies only to an application for letters testamentary  
13 or for letters of administration filed on or after the effective  
14 date of this Act. An application for letters testamentary or for  
15 letters of administration filed before the effective date of this  
16 Act is governed by the law in effect on the date the application was  
17 filed, and the former law is continued in effect for that purpose.

18         SECTION 56. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1373 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 11, 2023, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1373 passed the House, with amendments, on May 6, 2023, by the following vote: Yeas 132, Nays 4, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

1 AN ACT  
2 relating to guardianships and the delivery of certain notices or  
3 other communications in connection with guardianship proceedings.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 1002, Estates Code, is amended by adding  
6 Section 1002.0265 to read as follows:

7 Sec. 1002.0265. QUALIFIED DELIVERY METHOD. "Qualified  
8 delivery method" means delivery by:

9 (1) hand delivery by courier, with courier's proof of  
10 delivery receipt;

11 (2) certified or registered mail, return receipt  
12 requested, with return receipt; or

13 (3) a private delivery service designated as a  
14 designated delivery service by the United States Secretary of the  
15 Treasury under Section 7502(f)(2), Internal Revenue Code of 1986,  
16 with proof of delivery receipt.

17 SECTION 2. Section 1023.004(c), Estates Code, is amended to  
18 read as follows:

19 (c) If a court made a motion to transfer a guardianship, the  
20 guardian shall be given notice by a qualified delivery method  
21 ~~[certified mail]~~ to appear and show cause why the guardianship  
22 should not be transferred.

23 SECTION 3. The heading to Section 1051.052, Estates Code,  
24 is amended to read as follows:

1           Sec. 1051.052. SERVICE BY MAIL OR QUALIFIED DELIVERY  
2 METHOD.

3           SECTION 4. Section 1051.052, Estates Code, is amended by  
4 amending Subsections (b), (c), (d), (e), and (f) and adding  
5 Subsection (h) to read as follows:

6           (b) Except as provided by Subsection (c), the county clerk  
7 shall issue a citation or notice required or permitted to be served  
8 by a qualified delivery method [~~registered or certified mail~~] and  
9 shall serve the citation or notice by sending [~~mailing~~] the  
10 original citation or notice by a qualified delivery method  
11 [~~registered or certified mail~~].

12           (c) A guardian shall issue a notice required to be given by  
13 the guardian by a qualified delivery method [~~registered or~~  
14 ~~certified mail~~] and shall serve the notice by sending [~~mailing~~] the  
15 original notice by a qualified delivery method [~~registered or~~  
16 ~~certified mail~~].

17           (d) The county clerk or guardian, as applicable, shall send  
18 [~~mail~~] a citation or notice under Subsection (b) or (c) with an  
19 instruction to deliver the citation or notice to the addressee only  
20 and with return receipt or other proof of delivery requiring  
21 recipient signature requested. The clerk or guardian, as  
22 applicable, shall address the envelope containing the citation or  
23 notice to:

24                   (1) the attorney of record in the proceeding for the  
25 person to be cited or notified; or

26                   (2) the person to be cited or notified, if the citation  
27 or notice to the attorney is returned undelivered or the person to

1 be cited or notified has no attorney of record in the proceeding.

2 (e) Service by a qualified delivery method ~~[mail]~~ must be  
3 made at least 20 days before the return day of the citation or  
4 notice, excluding the date of service. The date of service ~~[by~~  
5 ~~mail]~~ is the date of mailing, the date of deposit with the private  
6 delivery service, or the date of delivery by courier, as  
7 applicable.

8 (f) A copy of a citation or notice served under Subsection  
9 (a), (b), or (c) and a certificate of the person serving the  
10 citation or notice showing that the citation or notice was sent  
11 ~~[mailed]~~ and the date of the mailing, the date of deposit with a  
12 private delivery service, or the date of delivery by courier, as  
13 applicable, shall be filed and recorded. A returned receipt or  
14 other proof of delivery receipt for a citation or notice served  
15 under Subsection (b) or (c) shall be attached to the certificate.

16 (h) The applicant or movant in a guardianship proceeding  
17 shall pay the cost of delivery of a citation or notice under this  
18 section.

19 SECTION 5. Sections 1051.055(a) and (b), Estates Code, are  
20 amended to read as follows:

21 (a) If a party is represented by an attorney of record in a  
22 guardianship proceeding, including a proposed ward who has been  
23 personally served with notice of the proceeding and is represented  
24 by an attorney ad litem, a citation or notice required to be served  
25 on the party shall be served instead on that attorney.

26 (b) A notice served on an attorney under this section may be  
27 served by[+]



1           ~~[(1)]~~ delivery to the attorney in person or by a  
2 qualified delivery method~~[-~~  
3           ~~[(2)]~~ ~~registered or certified mail, return receipt~~  
4 ~~requested, or~~  
5           ~~[(3)]~~ ~~any other form of mail that requires proof of~~  
6 ~~delivery].~~

7           SECTION 6. Section 1051.056, Estates Code, is amended to  
8 read as follows:

9           Sec. 1051.056. SERVICE ON GUARDIAN OR RECEIVER. Unless  
10 this title expressly provides for another method of service, the  
11 county clerk who issues a citation or notice required to be served  
12 on a guardian or receiver shall serve the citation or notice by  
13 sending ~~mailing~~ the original citation or notice by a qualified  
14 delivery method ~~[registered or certified mail]~~ to:

- 15                   (1) the guardian's or receiver's attorney of record;  
16 or  
17                   (2) the guardian or receiver, if the guardian or  
18 receiver does not have an attorney of record.

19           SECTION 7. Sections 1051.104(a) and (b), Estates Code, are  
20 amended to read as follows:

21           (a) The person filing an application for guardianship shall  
22 send ~~mail~~ a copy of the application and a notice containing the  
23 information required in the citation issued under Section 1051.102  
24 by a qualified delivery method ~~[registered or certified mail,~~  
25 ~~return receipt requested, or by any other form of mail that provides~~  
26 ~~proof of delivery,~~] to the following persons, if their whereabouts  
27 are known or can be reasonably ascertained:

- 1           (1) each adult child of the proposed ward;
- 2           (2) each adult sibling of the proposed ward;
- 3           (3) the administrator of a nursing home facility or  
4 similar facility in which the proposed ward resides;
- 5           (4) the operator of a residential facility in which  
6 the proposed ward resides;
- 7           (5) a person whom the applicant knows to hold a power  
8 of attorney signed by the proposed ward;
- 9           (6) a person designated to serve as guardian of the  
10 proposed ward by a written declaration under Subchapter E, Chapter  
11 1104, if the applicant knows of the existence of the declaration;
- 12           (7) a person designated to serve as guardian of the  
13 proposed ward in the probated will of the last surviving parent of  
14 the proposed ward;
- 15           (8) a person designated to serve as guardian of the  
16 proposed ward by a written declaration of the proposed ward's last  
17 surviving parent, if the declarant is deceased and the applicant  
18 knows of the existence of the declaration; and
- 19           (9) each adult named in the application as an "other  
20 living relative" of the proposed ward within the third degree by  
21 consanguinity, as required by Section 1101.001(b)(11) or (13), if  
22 the proposed ward's spouse and each of the proposed ward's parents,  
23 adult siblings, and adult children are deceased or there is no  
24 spouse, parent, adult sibling, or adult child.
- 25           (b) The applicant shall file with the court:
- 26           (1) a copy of any notice required by Subsection (a) and  
27 the return receipts or other proofs of delivery of the notice; and

1                   (2) an affidavit sworn to by the applicant or the  
2 applicant's attorney stating:

3                   (A) that the notice was sent ~~[mailed]~~ as required  
4 by Subsection (a); and

5                   (B) the name of each person to whom the notice was  
6 sent ~~[mailed]~~, if the person's name is not shown on the return  
7 receipt or other proof of delivery.

8           SECTION 8. Section 1051.153(b), Estates Code, is amended to  
9 read as follows:

10           (b) Proof of service consists of:

11                   (1) if the service is made by a sheriff or constable,  
12 the return of service;

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

15                   (3) if the service is made by mail or by a qualified  
16 delivery method:

17                   (A) the certificate of the county clerk making  
18 the service, or the affidavit of the guardian or other person making  
19 the service that states that the citation or notice was mailed or  
20 sent by a qualified delivery method and the date of the mailing, the  
21 date of deposit with the private delivery service, or the date of  
22 delivery by courier, as applicable; and

23                   (B) the return receipt or other proof of delivery  
24 receipt attached to the certificate or affidavit, as applicable, if  
25 the service ~~[mailing]~~ was made by a qualified delivery method  
26 ~~[registered or certified mail and a receipt has been returned]~~; and

27                   (4) if the service is made by publication:

1 (A) a statement that:

2 (i) is made by the Office of Court  
3 Administration of the Texas Judicial System or an employee of the  
4 office;

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

7 (iii) states the date of publication on the  
8 public information Internet website maintained as required by  
9 Section 72.034, Government Code [~~as added by Chapter 606 (S.B.~~  
10 ~~891), Acts of the 86th Legislature, Regular Session, 2019~~]; and

11 (B) an affidavit that:

12 (i) is made by the publisher of the  
13 newspaper in which the citation or notice was published or an  
14 employee of the publisher;

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

17 (iii) states the date of publication  
18 printed on the newspaper in which the citation or notice was  
19 published.

20 SECTION 9. Section 1057.002(b), Estates Code, is amended to  
21 read as follows:

22 (b) The resident agent shall send, by a qualified delivery  
23 method [~~certified mail, return receipt requested~~], a copy of a  
24 resignation statement filed under Subsection (a) to:

25 (1) the guardian at the address most recently known by  
26 the resident agent; and

27 (2) each party in the case or the party's attorney or

1 other designated representative of record.

2 SECTION 10. Section 1104.103, Estates Code, is amended by  
3 amending Subsections (a) and (b) and adding Subsection (a-1) to  
4 read as follows:

5 (a) The surviving parent of an adult individual who is an  
6 incapacitated person may, if the parent is the guardian of the  
7 person or estate of the adult individual, by will or written  
8 declaration appoint an eligible person to serve as guardian of the  
9 person or estate, as applicable, of the adult individual:

10 (1) after the parent dies;

11 (2) in the event the parent resigns as guardian of the  
12 person or estate; or

13 (3) in the event of the parent's incapacity.

14 (a-1) If the surviving parent is both the guardian of the  
15 person and estate of the adult individual, the surviving parent may  
16 by will or written declaration appoint different eligible persons  
17 to serve as guardian of the person and guardian of the estate.

18 (b) After the surviving parent dies or resigns as guardian,  
19 or if the court finds the surviving parent has become an  
20 incapacitated person after being appointed the adult individual's  
21 guardian, the court shall appoint the person or persons designated  
22 in the will or declaration to serve as guardian of the person,  
23 guardian of the estate, or both, in preference to any other person  
24 otherwise entitled to serve as guardian under this title, unless  
25 the court finds that the person designated to serve as guardian:

26 (1) is disqualified;

27 (2) is deceased;

1 (3) refuses to serve; or

2 (4) would not serve the adult individual's best  
3 interests.

4 SECTION 11. Section 1105.002(a), Estates Code, is amended  
5 to read as follows:

6 (a) Except as provided by Subsection (b), a guardian is  
7 considered to have qualified when the guardian has:

8 (1) taken and filed the oath, or made and filed the  
9 declaration, required under Section 1105.051;

10 (2) given the required bond;

11 (3) ~~filed the bond with the clerk, and~~

12 ~~[(4)]~~ obtained the judge's approval of the bond; and

13 (4) filed the bond with the clerk.

14 SECTION 12. Section 1106.001(a), Estates Code, is amended  
15 to read as follows:

16 (a) When a person who is appointed guardian has qualified  
17 under Section 1105.002, the clerk shall issue to the guardian a  
18 certificate under the court's seal stating:

19 (1) the fact of the appointment and of the  
20 qualification;

21 (2) the date of the appointment and of the  
22 qualification; and

23 (3) the date the letters of guardianship expire.

24 SECTION 13. Section 1106.005, Estates Code, is amended to  
25 read as follows:

26 Sec. 1106.005. EFFECT OF LETTERS ~~[OR~~  
27 ~~CERTIFICATE]~~. (a) Letters of guardianship ~~[or a certificate]~~

1 issued as prescribed by [~~under~~] Section 1106.001 under the court's  
2 seal by [~~of~~] the clerk of the court that granted the letters are  
3 [~~is~~] sufficient evidence of:

4 (1) the appointment and qualification of the guardian;  
5 and

6 (2) the date of qualification.

7 (b) The court order that appoints the guardian is evidence  
8 of the authority granted to the guardian and of the scope of the  
9 powers and duties that the guardian may exercise only after the date  
10 letters of guardianship [~~or a certificate has~~] have been issued  
11 under Section 1106.001.

12 SECTION 14. Subchapter B, Chapter 1151, Estates Code, is  
13 amended by adding Section 1151.0525 to read as follows:

14 Sec. 1151.0525. ACCESS AND MANAGEMENT OF WARD'S FUNDS BY  
15 GUARDIAN OF PERSON. (a) This section applies only to the guardian  
16 of the person of a ward for whom the court has not appointed a  
17 guardian of the estate.

18 (b) On application to and order from the court, the guardian  
19 of the person of a ward may access, manage, and spend the ward's  
20 funds in an amount not to exceed \$20,000 per year for the ward's  
21 benefit. The court shall require the guardian to file a new bond or  
22 a rider to an existing bond that meets the surety requirements for a  
23 guardian of the estate's bond under Section 1105.160.

24 (c) A guardian of the person shall include any expenditures  
25 made for the benefit of the ward if authorized by court order under  
26 Subsection (b) in the annual report required by Section 1163.101.

27 (d) When there is no longer a need for the guardian of the

1 person to access, manage, or spend the ward's funds, the guardian of  
2 the person shall file a sworn affidavit of fulfillment with the  
3 court. After the filing of the affidavit, the court, on motion  
4 filed with the court, may authorize the guardian to file a new bond  
5 or a rider to an existing bond that meets the requirements for a  
6 guardian of the person's bond under Section 1105.102, and may  
7 discharge the guardian of the person and the guardian's sureties on  
8 a bond required by Subsection (b).

9 SECTION 15. Section 1153.001(a), Estates Code, is amended  
10 to read as follows:

11 (a) Within one month after receiving letters of  
12 guardianship, a guardian of an estate shall provide notice  
13 requiring each person who has a claim against the estate to present  
14 the claim within the period prescribed by law. The notice must be:

15 (1) published in a newspaper of general circulation in  
16 the county in which the letters were issued; and

17 (2) sent to the comptroller by a qualified delivery  
18 method [~~certified or registered mail~~], if the ward remitted or  
19 should have remitted taxes administered by the comptroller.

20 SECTION 16. Sections 1153.003(b) and (c), Estates Code, are  
21 amended to read as follows:

22 (b) Notice provided under this section must be:

23 (1) sent by a qualified delivery method [~~certified or~~  
24 ~~registered mail, return receipt requested~~]; and

25 (2) addressed to the record holder of the claim at the  
26 record holder's last known post office address.

27 (c) The following shall be filed in the court from which the



1 letters of guardianship were issued:

2 (1) a copy of each notice required by Subsection  
3 (a)(1) with the return receipt or other proof of delivery, if  
4 available; and

5 (2) the guardian's affidavit stating:

6 (A) that the notice was sent [~~mailed~~] as required  
7 by law; and

8 (B) the name of the person to whom the notice was  
9 sent [~~mailed~~], if that name is not shown on the notice or receipt.

10 SECTION 17. Section 1153.005(a), Estates Code, is amended  
11 to read as follows:

12 (a) A guardian of an estate is not required to give a notice  
13 required by Section 1153.001 or 1153.003 if another person also  
14 appointed as guardian or a former guardian has given that notice.

15 SECTION 18. Section 1155.002(a), Estates Code, is amended  
16 to read as follows:

17 (a) The court may authorize compensation for a guardian  
18 serving as a guardian of the person alone from available funds of  
19 the ward's estate or other funds available for that purpose. The  
20 court may set the compensation in an amount not to exceed the  
21 greater of \$3,000 per year or five percent of the ward's gross  
22 income.

23 SECTION 19. Section 1156.052(c), Estates Code, is amended  
24 to read as follows:

25 (c) A person who makes an application to the court under  
26 this section shall send [~~mail~~] notice of the application by a  
27 qualified delivery method [~~certified mail~~] to all interested

1 persons.

2 SECTION 20. Section 1162.003, Estates Code, is amended to  
3 read as follows:

4 Sec. 1162.003. NOTICE OF APPLICATION FOR ESTABLISHMENT OF  
5 ESTATE OR OTHER TRANSFER PLAN. A person who makes an application  
6 to the court under Section 1162.001 shall send ~~[mail]~~ notice of the  
7 application by a qualified delivery method ~~[certified mail]~~ to:

- 8 (1) all devisees under a will, trust, or other  
9 beneficial instrument relating to the ward's estate;  
10 (2) the ward's spouse;  
11 (3) the ward's dependents; and  
12 (4) any other person as directed by the court.

13 SECTION 21. Section 1162.006(b), Estates Code, is amended  
14 to read as follows:

15 (b) Notice required by Subsection (a) must be sent  
16 ~~[delivered]~~ by a qualified delivery method ~~[+~~

17 ~~[(1) registered or certified mail to a person~~  
18 ~~described by Subsection (a)(1); and~~

19 ~~[(2) certified mail to a person described by~~  
20 ~~Subsection (a)(2), (3), (4), or (5)].~~

21 SECTION 22. Section 1202.054(b-2), Estates Code, is amended  
22 to read as follows:

23 (b-2) Not later than the 30th day after the date the court  
24 receives an informal letter from a ward under Subsection (a), the  
25 court shall send the ward a letter by a qualified delivery method  
26 ~~[certified mail]~~:

- 27 (1) acknowledging receipt of the informal letter; and

1           (2) advising the ward of the date on which the court  
2 appointed the court investigator or guardian ad litem as required  
3 under Subsection (b) and the contact information for the court  
4 investigator or guardian ad litem.

5           SECTION 23. Sections 1203.052(a-1) and (b), Estates Code,  
6 are amended to read as follows:

7           (a-1) The court may remove a guardian for a reason listed in  
8 Subsection (a) on the:

9           (1) court's own motion, after the guardian has been  
10 notified<sup>[7]</sup> by a qualified delivery method [~~certified mail, return~~  
11 ~~receipt requested,~~] to answer at a time and place set in the notice;  
12 or

13           (2) complaint of an interested person, after the  
14 guardian has been cited by personal service to answer at a time and  
15 place set in the notice.

16           (b) In addition to the authority granted to the court under  
17 Subsection (a), the court may, on the complaint of the guardianship  
18 certification program of the Judicial Branch Certification  
19 Commission, remove a guardian who would be ineligible for  
20 appointment under Subchapter H, Chapter 1104, because of the  
21 guardian's failure to maintain the certification required under  
22 Subchapter F, Chapter 1104. The guardian shall be given notice<sup>[7]</sup>  
23 by a qualified delivery method [~~certified mail, return receipt~~  
24 ~~requested,~~] to appear and contest the request for removal under  
25 this subsection at a time and place set in the notice.

26           SECTION 24. Section 1351.001(a), Estates Code, is amended  
27 to read as follows:

1           (a) A parent or managing conservator of a minor who is not a  
2 ward may apply to the court under this subchapter for an order to  
3 sell an interest of the minor in property without being appointed  
4 guardian if the net value of the interest does not exceed \$250,000  
5 [~~\$100,000~~].

6           SECTION 25. Section 1351.052, Estates Code, is amended to  
7 read as follows:

8           Sec. 1351.052. AUTHORITY TO SELL WARD'S INTEREST IN  
9 PROPERTY WITHOUT APPOINTMENT AS GUARDIAN OF THE ESTATE IN THIS  
10 STATE. A guardian of the person of a ward or a guardian of the  
11 person or estate of a ward appointed by a foreign court may apply to  
12 the court under this subchapter for an order to sell an interest in  
13 property in the ward's estate without being appointed guardian of  
14 the ward's estate in this state if the net value of the interest  
15 does not exceed \$250,000 [~~\$100,000~~].

16           SECTION 26. Section 1352.052(a), Estates Code, is amended  
17 to read as follows:

18           (a) If the net value of a minor's interest in a residence  
19 homestead does not exceed \$250,000 [~~\$100,000~~], a parent, subject to  
20 Subsection (b), or managing conservator of the minor may apply to  
21 the court under this subchapter for an order authorizing the parent  
22 or managing conservator to receive on the minor's behalf, without  
23 being appointed guardian, an extension of credit that is secured  
24 wholly or partly by a lien on the homestead.

25           SECTION 27. Section 1352.102, Estates Code, is amended to  
26 read as follows:

27           Sec. 1352.102. AUTHORITY TO MORTGAGE MINOR WARD'S INTEREST

1 WITHOUT GUARDIANSHIP OF THE ESTATE. If the net value of a minor  
2 ward's interest in a residence homestead does not exceed \$250,000  
3 [~~\$100,000~~], the guardian of the person of the ward may apply to the  
4 court under this subchapter for an order authorizing the guardian  
5 to receive on the ward's behalf an extension of credit that is  
6 secured wholly or partly by a lien on the homestead.

7 SECTION 28. Section 1353.004, Estates Code, is amended by  
8 adding Subsection (c-1) to read as follows:

9 (c-1) If the court finds that the ward's spouse fails to  
10 comply with an order described by Subsection (c), the court may,  
11 after notice and a hearing, order any third party or entity in  
12 possession to deliver to the incapacitated spouse's guardian of the  
13 estate the community property described by Subsection (c).

14 SECTION 29. Section 1355.001(a), Estates Code, is amended  
15 to read as follows:

16 (a) In this section, "resident creditor" means a person who:  
17 (1) is a resident of this state; and  
18 (2) is entitled to money in an amount that is \$250,000  
19 [~~\$100,000~~] or less, the right to which is liquidated and is  
20 uncontested in any pending lawsuit.

21 SECTION 30. Sections 1355.002(a) and (b), Estates Code, are  
22 amended to read as follows:

23 (a) In this section, "creditor" means a person who is  
24 entitled to money in an amount that is not more than \$250,000  
25 [~~\$100,000~~] owing as a result of transactions in this state, the  
26 right to which is liquidated and is uncontested in any pending  
27 lawsuit in this state.

1           (b) This section applies only to a nonresident creditor who  
2 is:

3           (1) a nonresident minor [~~and has a nonresident~~  
4 ~~guardian of the estate appointed by a foreign court~~];

5           (2) a nonresident person who is adjudged by a foreign  
6 court to be incapacitated [~~and has a nonresident guardian of the~~  
7 ~~estate appointed by that court~~]; or

8           (3) the nonresident former ward of a guardianship  
9 terminated under Chapter 1204 who has no legal guardian qualified  
10 in this state.

11           SECTION 31. Section 1104.103(c), Estates Code, is repealed.

12           SECTION 32. (a) The changes in law made by this Act to the  
13 following provisions of the Estates Code apply only to an action  
14 filed or a guardianship proceeding commenced on or after the  
15 effective date of this Act:

16           (1) Sections 1023.004(c), 1051.153(b), 1057.002(b),  
17 1153.001(a), 1153.005(a), 1156.052(c), 1162.006(b),  
18 1202.054(b-2), and 1353.004;

19           (2) Sections 1051.052(b), (c), (d), (e), (f), and (h);

20           (3) Sections 1051.055(a) and (b);

21           (4) Sections 1051.056 and 1162.003;

22           (5) Sections 1051.104(a) and (b);

23           (6) Sections 1153.003(b) and (c); and

24           (7) Sections 1203.052(a-1) and (b).

25           (b) Sections 1105.002(a), 1106.001(a), 1106.005, and  
26 1155.002(a), Estates Code, as amended by this Act, and Section  
27 1151.0525, Estates Code, as added by this Act, apply to a

1 guardianship created before, on, or after the effective date of  
2 this Act.

3           (c) Sections 1351.001(a), 1351.052, 1352.052(a), and  
4 1352.102, Estates Code, as amended by this Act, apply only to an  
5 application for a court order filed on or after the effective date  
6 of this Act. An application for a court order filed before the  
7 effective date of this Act is governed by the law in effect on the  
8 date the application was filed, and the former law is continued in  
9 effect for that purpose.

10           (d) Sections 1355.001(a) and 1355.002(a) and (b), Estates  
11 Code, as amended by this Act, apply only to a payment made by a  
12 debtor on or after the effective date of this Act. A payment made by  
13 a debtor before the effective date of this Act is governed by the  
14 law in effect on the date the payment was made, and the former law is  
15 continued in effect for that purpose.

16           SECTION 33. This Act takes effect September 1, 2023.

S.B. No. 1457

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1457 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1457 passed the House on May 11, 2023, by the following vote: Yeas 136, Nays 3, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor



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AN ACT

relating to the decision of a court of appeals not to accept certain interlocutory appeals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.014, Civil Practice and Remedies Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) If a court of appeals does not accept an appeal under Subsection (f), the court shall state in its decision the specific reason for finding that the appeal is not warranted under Subsection (d).

(h) The supreme court may review a decision by a court of appeals not to accept an appeal under Subsection (f) de novo. If the supreme court concludes that the requirements to permit an appeal under Subsection (d) are satisfied, the court may direct the court of appeals to accept the appeal.

SECTION 2. The change in law made by this Act applies only to an application for interlocutory appeal filed on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1603 passed the Senate on April 12, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 11, 2023, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1603 passed the House, with amendment, on May 4, 2023, by the following vote: Yeas 143, Nays 1, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

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AN ACT

relating to guardianships for persons who are incapacitated;  
changing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1002, Estates Code, is amended by adding  
Section 1002.0265 to read as follows:

Sec. 1002.0265. QUALIFIED DELIVERY METHOD. "Qualified  
delivery method" means delivery by:

(1) hand delivery by courier, with courier's proof of  
delivery receipt;

(2) certified or registered mail, return receipt  
requested, with return receipt; or

(3) a private delivery service designated as a  
designated delivery service by the United States Secretary of the  
Treasury under Section 7502(f)(2), Internal Revenue Code of 1986,  
with proof of delivery receipt.

SECTION 2. Section 1023.002(c), Estates Code, is amended to  
read as follows:

(c) If it appears to the court at any time before the  
guardianship is closed that the proceeding was commenced in a court  
that did not have venue over the proceeding, the court shall, on the  
application of any interested person, transfer the proceeding to  
the proper county in the manner prescribed by Section 1023.006.

SECTION 3. Sections 1023.004(a) and (c), Estates Code, are

1 amended to read as follows:

2 (a) On filing an application or on motion of a court to  
3 transfer a guardianship to another county under Section 1023.002 or  
4 1023.003, the sureties on the bond of the guardian shall be cited by  
5 a qualified delivery method [~~personal service~~] to appear and show  
6 cause why the guardianship should not be transferred.

7 (c) If a court made a motion to transfer a guardianship, the  
8 guardian shall be given notice by a qualified delivery method  
9 [~~certified mail~~] to appear and show cause why the guardianship  
10 should not be transferred.

11 SECTION 4. Section 1023.005(c), Estates Code, is amended to  
12 read as follows:

13 (c) On receipt of an order described by Subsection (a), the  
14 clerk of the court to which the guardianship is transferred  
15 [~~county~~] shall accept the transfer of the guardianship.

16 SECTION 5. Section 1023.006, Estates Code, is amended to  
17 read as follows:

18 Sec. 1023.006. TRANSFER OF RECORD. (a) When an order of  
19 transfer is made under Section 1023.002 or 1023.005, the clerk of  
20 the court transferring a proceeding shall, using the electronic  
21 filing system established under Section 72.031, Government Code,  
22 send to the proper court in the county to which the transfer is  
23 made:

24 (1) a transfer certificate and certified index of  
25 transferred documents;

26 (2) a copy of each order, including a copy of the order  
27 of transfer signed by the transferring court;

1           (3) a copy of the original papers filed in the  
2 transferring court, including any papers previously received on  
3 transfer from a court in another county;

4           (4) a copy of the transfer certificate and certified  
5 index of transferred documents from each previous transfer, if  
6 applicable; and

7           (5) a bill of any costs that have accrued in the  
8 transferring court.

9           (b) The clerk of the transferring court shall use the  
10 standardized transfer certificate and index of transferred  
11 documents form created by the Office of Court Administration of the  
12 Texas Judicial System under Section 72.037, Government Code, when  
13 transferring a proceeding under this section.

14           (c) The clerk of the transferring court shall keep a copy of  
15 transferred pleadings, orders, and all other papers filed into the  
16 case record.

17           (d) The clerk of the transferee court shall, subject to  
18 Section 1023.005, accept the documents transferred under  
19 Subsection (a) and docket the case.

20           (e) The clerk of the transferee court shall physically or  
21 electronically mark or stamp the transfer certificate and index of  
22 transferred documents to evidence the date and time of acceptance  
23 under Subsection (c) but may not physically or electronically mark  
24 or stamp any other document transferred under Subsection (a).

25           (f) Sections 80.001 and 80.002, Government Code, do not  
26 apply to the transfer of documents under this section ~~[shall record~~  
27 ~~any unrecorded papers of the guardianship required to be~~

1 ~~recorded. On payment of the clerk's fee, the clerk shall transmit~~  
2 ~~in electronic or paper form to the county clerk of the county to~~  
3 ~~which the guardianship was ordered transferred:~~

4 ~~[(1) the case file of the guardianship proceedings,~~  
5 ~~and~~

6 ~~[(2) a certified copy of the index of the guardianship~~  
7 ~~records].~~

8 SECTION 6. Section 1023.007, Estates Code, is amended to  
9 read as follows:

10 Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring  
11 a guardianship does not take effect until:

12 (1) the case file and a certified copy of the index  
13 required by Section 1023.006 are filed in electronic or paper form  
14 in the office of the county clerk of the county to which the  
15 guardianship was ordered transferred; and

16 (2) a certificate under the court's ~~[clerk's]~~ official  
17 seal and reporting the filing of the case file and a certified copy  
18 of the index is filed using the electronic filing system  
19 established under Section 72.031, Government Code, ~~[in electronic~~  
20 ~~or paper form]~~ in the court ordering the transfer by the county  
21 clerk of the county to which the guardianship was ordered  
22 transferred.

23 SECTION 7. Chapter 1023, Estates Code, is amended by adding  
24 Section 1023.0071 to read as follows:

25 Sec. 1023.0071. TRANSFER FEE. (a) The fee for filing a  
26 guardianship case transferred from another county under this  
27 chapter in which the guardian has previously been appointed and

1 qualified in accordance with this title is \$45 payable to the clerk  
2 of the court to which the case is transferred. No portion of this  
3 fee may be sent to the state.

4 (b) A party may not be assessed any other filing fee by the  
5 clerk of the court to which the guardianship is transferred in  
6 connection with the filing and docketing of the transferred case.

7 (c) To the extent that this section conflicts with another  
8 state statute, the Texas Rules of Civil Procedure, or other rules,  
9 this section prevails.

10 SECTION 8. Section 1105.002(a), Estates Code, is amended to  
11 read as follows:

12 (a) Except as provided by Subsection (b), a guardian is  
13 considered to have qualified when the guardian has:

14 (1) taken and filed the oath, or made and filed the  
15 declaration, required under Section 1105.051;

16 (2) given the required bond;

17 (3) ~~[filed the bond with the clerk, and~~

18 ~~[~~4~~] obtained the judge's approval of the bond; and~~

19 (4) filed the bond with the clerk.

20 SECTION 9. Section 1105.157, Estates Code, is amended by  
21 amending Subsections (a) and (d) and adding Subsection (d-1) to  
22 read as follows:

23 (a) Instead of giving a surety or sureties on a bond, or to  
24 reduce the amount of a bond, the guardian of an estate may deposit  
25 the guardian's own cash or securities acceptable to the court with:

26 (1) a financial institution as defined by Section  
27 201.101, Finance Code, that has its main office or a branch office

1 in this state; or

2 (2) the registry of the court, for which the clerk of  
3 the court shall issue a receipt.

4 (d) A receipt issued by a depository under Subsection (c) or  
5 a record of deposit to the registry of the court must be attached to  
6 the guardian's bond and must be in substantially the following  
7 form:

8 The State of Texas

9 County of \_\_\_\_\_ (insert name of county)

10 Know all persons by these presents that I/we, \_\_\_\_\_  
11 (name of each principal), as principal, have deposited cash or  
12 securities as evidenced by the attached receipt or record of  
13 deposit issued by \_\_\_\_\_ (name of depository where cash or  
14 securities are deposited or the name of the court) on \_\_\_\_\_ (date of  
15 deposit), are held and firmly bound to the judge of \_\_\_\_\_ (insert  
16 reference to appropriate judge), and that judge's successors in  
17 office, in the sum of \$\_\_\_\_\_, having been so deposited;  
18 conditioned that the above bound principal or principals, appointed  
19 by the judge as guardian or temporary guardian of the person or of  
20 the estate, or both, of \_\_\_\_\_ (name of ward and whether the  
21 person is a minor or is an incapacitated person other than a minor),  
22 shall well and truly perform all of the duties required of the  
23 guardian or temporary guardian by law under appointment.

24 (d-1) The guardian's bond and depository receipt, if  
25 applicable, shall ~~and~~ be delivered to and filed by the county  
26 clerk after the bond ~~[receipt]~~ is approved by the judge.

27 SECTION 10. Section 1106.001(a), Estates Code, is amended



1 to read as follows:

2 (a) When a person who is appointed guardian has qualified  
3 under Section 1105.002, the clerk shall issue to the guardian a  
4 certificate under the court's seal stating:

5 (1) the fact of the appointment and of the  
6 qualification;

7 (2) the date of the appointment and of the  
8 qualification; and

9 (3) the date the letters of guardianship expire.

10 SECTION 11. Section 1106.005, Estates Code, is amended to  
11 read as follows:

12 Sec. 1106.005. EFFECT OF LETTERS [~~OR~~  
13 ~~CERTIFICATE~~]. (a) Letters of guardianship [~~or a certificate~~]  
14 issued as prescribed by [~~under~~] Section 1106.001 under the court's  
15 seal by [~~of~~] the clerk of the court that granted the letters are  
16 [~~is~~] sufficient evidence of:

17 (1) the appointment and qualification of the guardian;  
18 and

19 (2) the date of qualification.

20 (b) The court order that appoints the guardian is evidence  
21 of the authority granted to the guardian and of the scope of the  
22 powers and duties that the guardian may exercise only after the date  
23 letters of guardianship [~~or a certificate has~~] have been issued  
24 under Section 1106.001.

25 SECTION 12. Section 1151.051(c), Estates Code, is amended  
26 to read as follows:

27 (c) A guardian of the person has:

- 1           (1) the right to have physical possession of the ward  
2 and to establish the ward's legal domicile;
- 3           (2) the duty to provide care, supervision, and  
4 protection for the ward;
- 5           (3) the duty to provide the ward with clothing, food,  
6 medical care, and shelter;
- 7           (4) the power to consent to medical, psychiatric, and  
8 surgical treatment other than the inpatient psychiatric commitment  
9 of the ward;
- 10          (5) on application to and order of the court, the power  
11 to establish a trust in accordance with 42 U.S.C. Section  
12 1396p(d)(4)(B) and direct that the income of the ward as defined by  
13 that section be paid directly to the trust, solely for the purpose  
14 of the ward's eligibility for medical assistance under Chapter 32,  
15 Human Resources Code; ~~and~~
- 16          (6) the duty to notify the court, as soon as  
17 practicable, if the ward has died or is admitted to a medical  
18 facility for acute care for a period of three or more days;
- 19          (7) the duty to notify the court not later than the  
20 30th day after the date the ward's residence or address has changed;
- 21          (8) the duty to notify the court not later than the  
22 30th day after the date of a change in the guardian's residence,  
23 address, phone number, or any other information used by the court to  
24 contact the guardian; and
- 25          (9) the power to sign documents necessary or  
26 appropriate to facilitate employment of the ward if:
  - 27               (A) the guardian was appointed with full

1 authority over the person of the ward under Section 1101.151; or

2 (B) the power is specified in the court order  
3 appointing the guardian with limited powers over the person of the  
4 ward under Section 1101.152.

5 SECTION 13. Section 1155.151(a), Estates Code, is amended  
6 to read as follows:

7 (a) In a guardianship proceeding, the court costs of the  
8 proceeding, including the costs described by Subsection (a-1),  
9 shall, except as provided by Subsection (c), be paid as follows, and  
10 the court shall issue the judgment accordingly:

11 (1) out of the guardianship estate, if a guardian of  
12 the estate has been created for the benefit of the ward and the  
13 court determines it is in the ward's best interest;

14 (2) out of the management trust, if a management trust  
15 has been created for the benefit of the ward under Chapter 1301 and  
16 the court determines it is in the ward's best interest;

17 (3) by the party to the proceeding who incurred the  
18 costs, unless that party filed, on the party's own behalf, an  
19 affidavit of inability to pay the costs under Rule 145, Texas Rules  
20 of Civil Procedure, that shows the party is unable to afford the  
21 costs, if:

22 (A) there is no guardianship estate or ~~no~~  
23 management trust that has been created for the ward's benefit; or

24 (B) the assets of the guardianship estate or  
25 management trust, as appropriate, are insufficient to pay the  
26 costs; or

27 (4) out of the county treasury if:

1 (A) there is no guardianship estate or management  
2 trust or the assets of the guardianship estate or management trust,  
3 as appropriate, are insufficient to pay the costs; and

4 (B) the party to the proceeding who incurred the  
5 costs filed, on the party's own behalf, an affidavit of inability to  
6 pay the costs under Rule 145, Texas Rules of Civil Procedure, that  
7 shows the party is unable to afford the costs.

8 SECTION 14. Section 1156.052, Estates Code, is amended to  
9 read as follows:

10 Sec. 1156.052. ALLOWANCE FOR WARD'S SPOUSE, MINOR CHILDREN,  
11 OR INCAPACITATED ADULT CHILDREN [~~DEPENDENT~~]. (a) Subject to  
12 Section 1156.051 and on application to the court, the court may  
13 order the guardian of the estate of a ward to spend money from the  
14 ward's estate for the education and maintenance of the ward's  
15 spouse, minor children, or incapacitated adult children  
16 [~~dependent~~].

17 (b) In determining whether to order the expenditure of money  
18 from a ward's estate for the ward's spouse, minor children, or  
19 incapacitated adult children [~~dependent~~], as appropriate, under  
20 this section, the court shall consider:

21 (1) the circumstances of the ward, the ward's spouse,  
22 and the ward's minor children and incapacitated adult children  
23 [~~dependents~~];

24 (2) the ability and duty of the ward's spouse to  
25 support himself or herself and the ward's minor children or  
26 incapacitated adult children [~~dependent~~];

27 (3) the size of the ward's estate;

1 (4) a beneficial interest the ward or the ward's  
2 spouse, minor children, or incapacitated adult children have [~~ex~~  
3 ~~dependent has~~] in a trust; and

4 (5) an existing estate plan, including a trust or  
5 will, that provides a benefit to the ward's spouse, minor children,  
6 or incapacitated adult children [~~dependent~~].

7 (c) A person who makes an application to the court under  
8 this section shall send [~~mail~~] notice of the application by a  
9 qualified delivery method [~~certified mail~~] to all interested  
10 persons.

11 (d) Copies of the notices sent under Subsection (c) must be  
12 filed with the court with a copy of the proof of delivery receipt  
13 for each notice sent.

14 SECTION 15. Section 1203.006, Estates Code, is amended to  
15 read as follows:

16 Sec. 1203.006. REQUIREMENTS FOR DISCHARGE. (a) A  
17 guardian applying to resign may not be discharged until:

18 (1) the resignation application has been heard;

19 (2) the exhibit and final account or report required  
20 under Section 1203.001 has been examined, settled, and approved;  
21 and

22 (3) the guardian [~~applicant~~] has satisfied the court  
23 that the guardian [~~applicant~~] has:

24 (A) delivered any estate property remaining in  
25 the guardian's [~~applicant's~~] possession; or

26 (B) complied with all court orders relating to  
27 the guardian's [~~applicant's~~] trust as guardian.

1 (b) When a guardian applying to resign has fully complied  
2 with the court orders, the court shall enter an order:

- 3 (1) accepting the resignation; [~~and~~]  
4 (2) discharging the guardian;  
5 (3) canceling the letters issued to the guardian; and  
6 (4) [~~applicant and,~~] if the guardian [applicant] is  
7 under bond, discharging and releasing the [applicant's] sureties on  
8 the guardian's bond.

9 SECTION 16. Section 1204.105, Estates Code, is amended by  
10 adding Subsection (h) to read as follows:

11 (h) The guardian of the estate shall file an affidavit sworn  
12 to by the guardian or a certificate signed by the guardian's  
13 attorney stating:

14 (1) the name of each person to whom citation was served  
15 under this section, indicating the method of service;

16 (2) the name of each person executing a waiver of  
17 citation under Subsection (d); and

18 (3) that each person whose whereabouts are known or  
19 can be reasonably ascertained who is entitled to citation under  
20 this section was provided a copy of the account for final  
21 settlement, indicating the method of delivery for each person to  
22 whom a copy was provided.

23 SECTION 17. Section 1204.151, Estates Code, is amended to  
24 read as follows:

25 Sec. 1204.151. DISCHARGE OF GUARDIAN WHEN NO ESTATE  
26 PROPERTY REMAINS. The court shall enter an order discharging a  
27 guardian from the guardian's trust, canceling the letters issued to

1 the guardian of the estate, and closing the guardianship estate if,  
2 on final settlement of the estate, none of the estate remains in the  
3 guardian's possession.

4 SECTION 18. Section 1204.152, Estates Code, is amended to  
5 read as follows:

6 Sec. 1204.152. DISCHARGE OF GUARDIAN WHEN ESTATE FULLY  
7 ADMINISTERED. The court shall enter an order discharging a  
8 guardian of the estate from the guardian's trust, canceling the  
9 letters issued to the guardian of the estate, and declaring the  
10 estate closed when:

11 (1) the guardian has fully administered the estate in  
12 accordance with this title and the court's orders;

13 (2) the guardian's account for final settlement has  
14 been approved; and

15 (3) the guardian has delivered all of the estate  
16 remaining in the guardian's possession to any person entitled to  
17 receive the estate.

18 SECTION 19. Section 1251.005(a), Estates Code, is amended  
19 to read as follows:

20 (a) On the filing of an application for temporary  
21 guardianship, the court clerk shall issue:

22 (1) citation to be personally served on:

23 (A) the proposed ward; and

24 (B) the proposed temporary guardian named in the  
25 application, if that person is not the applicant; and

26 (2) notice to be served in the manner provided under  
27 Rule 21a, Texas Rules of Civil Procedure, on the proposed ward's

1 appointed attorney.

2 SECTION 20. Section 1023.008, Estates Code, is repealed.

3 SECTION 21. (a) Except as otherwise provided by this  
4 section, the changes in law made by this Act apply to a guardianship  
5 created before, on, or after the effective date of this Act.

6 (b) Sections 1023.002(c), 1023.004(a) and (c), 1023.005(c),  
7 1023.006, and 1023.007, Estates Code, as amended by this Act, and  
8 Section 1023.0071, Estates Code, as added by this Act, apply only to  
9 an application filed or motion made to transfer a guardianship on or  
10 after the effective date of this Act.

11 (c) Sections 1023.006, 1156.052, and 1251.005(a), Estates  
12 Code, as amended by this Act, apply only to an application filed on  
13 or after the effective date of this Act. An application filed  
14 before the effective date of this Act is governed by the law in  
15 effect on the date the application was filed, and the former law is  
16 continued in effect for that purpose.

17 SECTION 22. This Act takes effect September 1, 2023.



S.B. No. 2248

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 2248 passed the Senate on April 27, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 2248 passed the House on May 24, 2023, by the following vote: Yeas 133, Nays 5, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor