



TEXAS JUDICIAL REPORT

OFFICE OF COURT ADMINISTRATION TEXAS JUDICIAL COUNCIL

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The 83rd regular legislative session was a big success for the judicial branch. In addition to providing a substantial pay increase for district and appellate court judges, the Legislature:

- Established a new State fund known as the Statewide Electronic Filing System Fund to pay for the statewide e-filing program that is funded through a new civil filing fee and a new criminal court cost;
- Expanded the confidentiality of records of children in criminal cases in the justice and municipal courts;
- Expanded the situations in which juvenile case managers can provide services;
- Limited the situations in which complaints for school offenses committed by children can be filed in the courts;
- Created the Judicial Branch Certification Commission to license and regulate court reporters and court reporting firms, professional guardians, process servers, and licensed court interpreters;
- Prohibited courts from disclosing to the public any information contained in court records that are the subject of an order of nondisclosure;
- Created four new district courts and four new county courts at law including the first-ever multi-county court at law covering Fisher, Mitchell and Nolan Counties;
- Revised of the provisions regarding vexatious litigants;
- Made the amount of court costs imposed on a criminal defendant the amount established under the law in effect on the date of conviction instead of the date on which the offense was committed; and
- Required defendants to pay any unpaid fines and court costs after the expiration of a defendant's period of community supervision.

This report briefly summarizes new legislation impacting the Texas court system, judges, clerks, and other judicial actors. No attempt is made to cover substantive areas of the law in detail; other entities are expected to provide legislative updates on substantive legal topics. We hope this report will be a useful resource for the judicial and legal community and all those interested in the administration of justice.

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Administrative Judicial Regions

HB 3153 – Effective 9/1/13.

Moves McCulloch and Menard Counties from the Seventh Administrative Judicial Region to the Sixth Administrative Judicial Region. *See* § 74.042, Gov’t Code.

Appellate Courts

HB 410 – Effective 9/1/13. (*Fee change effective 9/1/13.*)

Makes the filing fee to fund the appellate judicial system in the Second Court of Appeals District mandatory instead of discretionary. Changes the amount of the fee to \$5.00 instead of an amount not to exceed \$5.00. *See* § 22.2031, Gov’t Code. *See also* **Costs, Fees, Fines and Collections**

SB 1083 – Effective 9/1/13.

Adds statutory probate courts to the types of courts whose interlocutory orders may be appealed. *See* § 51.014, Civ. Prac. & Rem. Code. *See also* **Probate, Guardianships and Mental Health**.

SB 1630 – Effective 9/1/13.

Substantially revises statutory provisions regarding vexatious litigants. Clarifies that the provisions do not apply to municipal courts. Provides that pre-filing orders entered by justice courts or constitutional county courts apply only to the court that entered the order while pre-filing orders entered by district courts and statutory county courts apply to all state courts. Clarifies which local administrative judge must be contacted by a vexatious litigant to obtain permission to file new litigation. Revises procedures to be followed when a clerk mistakenly permits vexatious litigants to file lawsuits. Clarifies that the Office of Court Administration (OCA) may not remove the name of a vexatious litigant from its website list without a written order from the court that entered the pre-filing order or from an appellate court. *See* Chapter 11, Civ. Prac. & Rem. Code. *See also* **District and County Clerks; Office of Court Administration**.

Associate Judges and Magistrates

HB 3153 – Effective 9/1/13.

Authorizes the appointment of magistrates in Guadalupe County. *See* §§ 54.2001 – 54.2007, Gov’t Code.

Costs, Fees, Fines and Collections

HB 410 – Effective 9/1/13. (*Fee change effective 9/1/13.*)

Makes the filing fee to fund the appellate judicial system in the Second Court of Appeals District mandatory instead of discretionary. Changes the amount of the fee to \$5.00 instead of an amount not to exceed \$5.00. *See* § 22.2031, Gov’t Code. *See also* **Appellate Courts**.

HB 1513 – Effective 9/1/13. (*Fee changes effective 1/1/14.*)

Increases the amount of the District Court Records Archive Fee (assessed upon the filing of a new suit and various actions within an existing civil suit such as counterclaims and motions for new trial) from not more than \$5.00 to not more than \$10.00. Increases the amount of the County Clerk’s Records Archives Fee (assessed when a non-court document is presented to the county clerk for recording or filing) from not more than \$5.00 to not more than \$10.00. Increases the amount of the County Clerk’s Records Management and Preservation Fee (assessed when a non-court document is presented to the county clerk for recording or filing) from not more than \$5.00 to not more than \$10.00. All of the increased fees described above are set to revert to the “not-more-than-\$5” amounts on September 1, 2019. *See* §§ 51.305, 51.317, Gov’t Code; § 118.011, Loc. Gov’t Code. ***See also District and County Clerks.***

HB 1755 – Effective 1/1/14. (*New fee effective 1/1/14.*)

Authorizes the appointment of a public probate administrator who would take possession of a decedent’s property and administer the estate when the estate has no appointed personal representative or suitable next of kin. Requires the assessment of a \$10 “supplemental public probate administrator fee” in counties that have appointed a public probate administrator when an original probate action or an adverse probate action is filed. *See* § 304.001(a) and Chapter 455, Estates Code; §25.00251, Gov’t Code; §§ 118.052, 118.068, Loc. Gov’t Code. ***See also Probate, Guardianships and Mental Health.***

HB 2021 – Effective 6/14/13.

Authorizes counties and cities to contract with collection vendors for the collection of unpaid amounts related to civil cases. Permits the county or city to authorize a 30% collection fee that is assessed in addition to the underlying unpaid amount. The collection fee is directed entirely to the collection vendor. *See* § 140.009, Loc. Gov’t Code.

HB 2080 – Amends payment provisions related to guardianship proceedings and allows courts to authorize court costs and attorney fee payments from the county treasury. Allows a court to require a party found to have acted in bad faith to reimburse a ward’s estate for court costs and attorney fees. Makes certain rules of civil procedure inapplicable in guardianship proceedings. Provides for mediation of contested guardianship proceedings. Requires that certain orders appointing a guardian contain a specified notice to peace officers. *See* §§ 1052.051, 1053.105, 1101.151, 1101.152, 1155.151, Estates Code. ***See also Probate, Guardianships and Mental Health.***

HB 2302 – Effective 9/1/13. (*New Fees and Costs effective 9/1/13 except that the new \$2 e-filing transaction fee becomes effective 1/1/14.*)

Establishes a new State fund known as the Statewide Electronic Filing System Fund. Creates a new civil filing fee and a new criminal court cost that are directed to the foregoing fund to primarily pay for TexFile – the State’s new e-filing portal. The new civil fee will be \$20 in all courts except justice courts (in which the filing fee will be \$10). The fee is to be charged upon the filing of a petition or other original document in a case and on the filing of certain other documents such as counterclaims. The new criminal court cost will be a \$5 cost assessed upon conviction of an offense in a district court or county-level court. There is no new criminal court cost in the justice and municipal courts to support e-filing. Also allows local governments and appellate courts to continue to assess a \$2 fee on every e-filing transaction. The \$2 fee can only be charged if the local government or appellate court annually certifies to the Office of Court Administration [OCA] that the amount of the fee is necessary to recover the operating costs of the e-filing system. OCA is to promulgate a form on which such a certification can be made. Revenue from this \$2 fee is retained by the local governments and appellate courts so they may recoup their costs associated with e-filing. The authority of local governments and appellate courts to charge this \$2 fee is scheduled to expire on September 1, 2019. A court may waive any or all of the foregoing fees for an indigent individual. A Title IV-D agency is to pay only the \$2 transaction fee; a Title IV-D agency does not pay the filing fees destined for the Statewide Electronic Filing System Fund. OCA is required to file a report by December 1, 2018 with the lieutenant governor and others detailing the number of local governments and appellate courts collecting the \$2 fee and addressing the necessity of permitting local governments and appellate courts to continue to assess the fee. *See* §§ 21.011, 51.851, 51.852, 72.031, Gov’t Code; §§ 231.202, 231.204, Fam. Code. ***See also Office of Court Administration.***

HB 3153 – Effective 9/1/13. (*New fee effective 1/1/14.*)

Creates a \$25 stenographer’s fee to be collected in each civil (including probate) case in which a record of any part of the evidence in the case is made by the official court reporter of the 1st Multicounty Court at Law (consisting of Fisher, Mitchell and Nolan Counties). Also creates a \$25 stenographer’s fee to be collected in any criminal case in which a record of any part of the evidence in the case is made by the official court reporter of the 1st Multicounty Court at Law. *See* § 25.2702, Gov’t Code.

SB 355 – Effective 9/1/13.

Declares that a Title IV-D agency is not to pay the filing fees that go to fund the Statewide Electronic Filing System Fund. *See* § 231.204, Fam. Code.

SB 389 – Effective 6/14/13.

Makes the amount of court costs imposed on a criminal defendant the amount established under the law in effect on the date of conviction. This differs from former law under which court costs were based on the costs in effect when the offense was committed. The change applies only to convictions in district courts and county-level courts. The change does not apply to convictions in justice and municipal courts. *See* § 51.608, Gov't Code.

SB 390 – Effective 6/14/13.

Eliminates automatic exceptions to the general rule that the effective date of filing fee and court costs changes is January 1 of the year following the legislative session. *See* § 51.607, Gov't Code.

SB 391 – 9/1/13.

Clarifies that a defendant's obligation to pay a fine and court costs is independent of any requirement to pay the fine and court costs as a condition of community supervision. Accordingly, a defendant remains obligated to pay any unpaid fine and court costs after the expiration of a defendant's period of community supervision. *See* art. 42.12, Section 11(b-1), Code Crim. Proc.

SB 393 – Effective 9/1/13.

Permits judge to allow child convicted of fine-only misdemeanor to elect to perform community service or receive tutoring in lieu of paying a fine and court costs. Authorizes court to waive payment of fine and costs by a child if performing community service would be an undue hardship. Makes largely confidential the court records of a child who has received deferred disposition for a fine-only misdemeanor and has satisfied the judgment and received a dismissal of the charges. Expands the scope of juvenile case manager services to include children referred to a court prior to any case being filed for conduct that would otherwise be within the court's jurisdiction. Allows juvenile case managers to provide prevention and intervention services in such cases. Requires courts to dismiss truancy cases in which required statement from student's school regarding truancy prevention measures is missing. Makes offenses of disruption of class and disruption of transportation inapplicable to children younger than 12. Prohibits law enforcement from issuing a citation to students accused of committing "school offenses" which are defined as non-traffic Class C misdemeanor offenses committed by children enrolled in public schools that are committed on property under school district control. Establishes system of graduated sanctions for certain school offenses. Allows for filing of a criminal complaint if a child fails to comply with graduated sanctions. Permits prosecuting attorneys to adopt rules pertaining to the filing of such complaints. Authorizes inclusion in first offender programs of children accused prior to the filing of a criminal charge of non-traffic Class C misdemeanors. Prohibits person younger than 10 from being prosecuted for a fine-only misdemeanor or a penal ordinance of a political subdivision. Creates rebuttable presumption that child between the ages of 10 and 14 is incapable of committing a fine-only misdemeanor or of violating a penal ordinance of a political subdivision. Creates procedure for handling cases in which child accused of committing a fine-only misdemeanor or violating a penal ordinance of a political subdivision may have mental illness or a developmental disability. Makes most disorderly conduct offenses committed on public school campuses during school hours inapplicable to children under 12. *See* arts. 42.15, 43.091, 44.2811, 45.0217, 45.041, 45.0491, 45.056, Code Crim. Proc.; §§ 25.0915, 37.124, 37.126, 37.141, 37.143, 37.144, 37.145, 37.146, 37.147, Educ. Code; § 52.031, Fam. Code; §§ 8.07, 8.08, 42.01 Penal Code. ***See also Juvenile Justice; Open Records.***

SB 395 – Effective 9/1/13.

Permits judges to allow a child convicted of a crime to elect whether to discharge court-ordered fines and costs by performing community service or receiving tutoring. The election must be made in writing and signed by the child defendant and, if present, the child's parent or guardian. Additionally, allows a court to waive a child's fine and court costs if the child is unable to perform community service. *See* arts. 42.15, 43.091, 45.041, 45.0491, Code Crim. Proc. ***See also Juvenile Justice.***

SB 462 – Effective 9/1/13.

Sets out requirements for specialty court programs including drug courts, family drug courts, veterans courts, and mental health courts. Authorizes the assessment of program fees for participation in the programs. *See* Chapters 122-125, Gov't Code. ***See also Specialty Courts.***

SB 484 – Effective 9/1/13.

Requires counties with populations over 200,000 to establish a prostitution prevention program; cities and other counties are permitted to do so. The program is aimed at persons who are charged with committing the offense of prostitution. The program provides participants with instruction related to the prevention of prostitution and with information, counseling and services related to sex addiction. Requires courts to enter an order of nondisclosure if the participant successfully completes the program. Authorizes programs to collect a program fee of up to \$1,000 from program participants. *See* Chapter 169A, Health & Safety Code. ***See also Criminal Law and Procedure; Expunctions and Orders of Nondisclosure.***

SB 967 – Effective 6/14/13.

Provides a 180-day correction period for a county required to implement the Collection Improvement Program if, through an official audit, the county is determined to be out of compliance. *See* § 133.058(e), Loc. Gov't Code.

SB 1096 – Effective 9/1/13.

Prohibits a judge from requiring a defendant to pay the monthly fee required during a period of community supervision for any month after the period of community supervision has ended. *See* art. 42.12, Code Crim. Proc. ***See also Criminal Law and Procedure.***

SB 1237 – Effective 9/1/13.

Authorizes a commissioners court to make rules specifying whether criminal cases may be referred to an alternative dispute resolution (ADR) system and allows a judge to refer a criminal case to ADR in counties in which such a system has been established. Prohibits referral of criminal cases in which the defendant is charged with or convicted of certain offenses under § 3g(a)(1) or (2), Article 42.12, Code of Criminal Procedure. Permits referral to ADR even before the defendant has been formally charged and requires consent from both the victim and the defendant. Permits an entity that provides ADR services to collect a fee set by the commissioners court of up to \$350 from a person other than a crime victim who receives ADR services. The fees can be paid on a periodic or deferred basis at the discretion of the judge and must be based on the defendant's ability to pay. *See* §§ 152.002, 152.003, 152.006, 152.007, Civ. Prac. & Rem. Code. ***See also Criminal Law and Procedure.***

SB 1419 – Effective 9/1/13. (*New court cost effective 1/1/14.*)

Expands the situations in which juvenile case managers can provide services. Specifically, permits juvenile case managers to provide services to juvenile offenders who are referred to a court by a school administrator for misconduct that would otherwise be within the court's statutory powers prior to a case being filed. Also permits juvenile case managers to provide prevention and intervention services to children considered to be at risk of entering the juvenile justice system. Creates the Truancy Prevention and Diversion Fund as part of the State's General Revenue Fund. Requires a person convicted of an offense other than a parking or pedestrian offense in a municipal or justice court to pay a court cost of \$2 to fund the Truancy Prevention and Diversion Fund. Money in the fund is to be distributed to local governmental entities for truancy prevention and intervention services. *See* arts. 45.056, 102.015, Code Crim. Proc. ***See also Juvenile Justice.***

SB 1792 – Effective 6/14/13. (*New filing fee effective 1/1/14.*)

Concerns remedies for nonpayment of tolls. Calls for payment of a \$100 filing fee in justice court in a case to determine whether a person is a "habitual violator." *See* Chapter 372, Subchapter C, Transp. Code. ***See also Justices of the Peace and Municipal Judges.***

SB 1827 – Effective 6/14/13. (*New filing fee effective 1/1/14.*)

Creates a new filing fee of not more than \$15 to be assessed upon the filing of each civil case in any court in Rockwall County. The fees are to be deposited in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities housing the Rockwall County courts. The fee must be authorized by the Rockwall County Commissioners Court. *See* § 51.709, Gov't Code.

SB 1891 – Effective 6/14/13. (*New fee effective 1/1/14.*)

Creates a new filing fee of not more than \$15 to be assessed upon the filing of each civil case in any district court, probate court, or county court at law in Travis County. The fees are to be deposited in a special account in the county treasury dedicated to the construction, renovation, or improvement of the facilities housing the courts that collect the fee. The fee must be authorized by the Travis County Commissioners Court. *See* § 51.709, Gov't Code.

SB 1908 – Effective 9/1/13.

Directs the Office of Court Administration to conduct a study on court costs and fees that identifies all costs and fees and then determines whether each cost and fee is necessary to accomplish the fee's stated statutory purpose. The study is to be completed by September 1, 2014. *See* § 72.031, Gov't Code. *See also* **Office of Court Administration**.

County Courts

HB 3153 – Effective 9/1/13 (except as otherwise specified below).

Creates the 1st Multicounty Court at Law comprised of Fisher, Mitchell, and Nolan Counties. Abolishes the Nolan County Court at Law.

Creates the Atascosa County Court at Law effective 1/1/14.

Creates the Jim Wells County Court at law effective 1/1/15.

Creates the Travis County Court at Law No. 9 effective 9/1/15.

See §§ 25.0091, 25.0092, 25.1271, 25.1272, 25.2291, 25.2701, 25.2702, Gov't Code.

Criminal Law and Procedure

HB 570 – Effective 6/14/13.

Eliminates the requirement that a defendant be served a copy of a magistrate's order for emergency protection in open court and allows it to be served in person or electronically. *See* art. 17.292, Code Crim. Proc.

SB 484 – Effective 9/1/13.

Requires counties with populations over 200,000 to establish a prostitution prevention program; cities and other counties are permitted to do so. The program is aimed at persons who are charged with committing the offense of prostitution. The program provides participants with instruction related to the prevention of prostitution and with information, counseling and services related to sex addiction. Requires courts to enter an order of nondisclosure if the participant successfully completes the program. Authorizes programs to collect a program fee of up to \$1,000 from program participants. *See* Chapter 169A, Health & Safety Code. *See also* **Costs, Fees, Fines and Collections; Expunction and Orders of Nondisclosure**.

SB 825 – Effective 9/1/13.

Prohibits a grievance committee from giving a private reprimand to a prosecutor for a violation of a disciplinary rule that requires a prosecutor to provide the defense with all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigate the offense. Requires the Supreme Court, in adopting minimum standards and procedures, to ensure that the statute of limitations for a grievance against a prosecutor alleging a disclosure violation does not begin to run until the date on which a wrongfully imprisoned person is released from a penal institution. Requires the Supreme Court to make certain amendments to the Texas Rules of Disciplinary Procedure by 12/1/13. *See* § 81.072, Gov't Code. *See also* **Supreme Court**.

SB 1096 – Effective 9/1/13.

Prohibits a judge from requiring a defendant to pay the monthly fee required during a period of community supervision for any month after the period of community supervision has ended. *See* art. 42.12, Code Crim. Proc. *See also* **Costs, Fees, Fines and Collections**.

SB 1237 – Effective 9/1/13.

Authorizes a commissioners court to make rules specifying whether criminal cases may be referred to an alternative dispute resolution (ADR) system and allows a judge to refer a criminal case to ADR in counties in which such a system has been established. Prohibits referral of criminal cases in which the defendant is charged with or convicted of certain offenses under § 3g(a)(1) or (2), Article 42.12, Code of Criminal Procedure. Permits referral to ADR even before the defendant has been formally charged and requires consent from both the victim and the defendant. Permits an entity that provides ADR services to collect a fee set by the commissioners court of up to \$350 from a person other than a crime victim who receives ADR services. The fees can be paid on a periodic or deferred basis at the discretion of the judge and must be based on the defendant's ability to pay. *See* §§ 152.002, 152.003, 152.006, 152.007, Civ. Prac. & Rem. Code. *See also* **Costs, Fees, Fines and Collections**.

SB 1611 – Effective 1/1/14.

Creates duty on the part of the State to disclose any exculpatory, impeachment, or mitigating evidence that tends to negate guilt or reduce punishment. This duty exists before, during, and after trial. *See* art. 39.14, Code Crim. Proc. *See also* **Open Records**.

District and County Clerks

HB 869 – Effective 9/1/13.

Restricts the ability to obtain a marriage license when both applicants are absent to members of the armed forces of the United States stationed in another country in support of combat or another military operation. Restricts the ability of a proxy to participate in a marriage ceremony. *See* §§ 2.006(a), 2.007, 2.0071, 2.203(b), Fam. Code; § 194.001(a), Health and Safety Code. *See also* **Family Law**.

HB 984 – Effective 9/1/13.

Requires county clerks to provide to applicants for a marriage license written notice of the online location of information regarding HIV and AIDS. *See* §§ 2.009, 2.010, Fam. Code.

HB 1435 – Effective 9/1/13.

Provides that when a court issues an order requiring the release of a criminal defendant who has been acquitted due to insanity and the clerk is required to provide notice to the victim or the victim's guardian or relative, the clerk may request and obtain information and assistance from a victim assistance coordinator. Removes the criminal penalty for a clerk's failure to report dispositions of juvenile cases. Requires the applicant or the attorney for the applicant for a protective order to provide the clerk with the mailing address of the staff judge advocate or provost marshal in appropriate circumstances. Requires the Office of Court Administration (OCA) to publish a form that a party challenging the constitutionality of a statute must use to inform the attorney general of the challenge. *See* art. 46C.003, Code Crim. Proc.; §§ 58.110, 85.042, Fam. Code; § 402.010, Gov't Code. *See also* **Office of Court Administration**.

HB 1513 – Effective 9/1/13. (*Fee change effective 1/1/14.*)

Increases the amount of the District Court Records Archive Fee (assessed upon the filing of a new suit and various actions within an existing civil suit such as counterclaims and motions for new trial) from not more than \$5.00 to not more than \$10.00. Increases the amount of the County Clerk's Records Archives Fee (assessed when a non-court document is presented to the county clerk for recording or filing) from not more than \$5.00 to not more than \$10.00. Increases the amount of the County Clerk's Records Management and Preservation Fee (assessed when a non-court document is presented to the county clerk for recording or filing) from not more than \$5.00 to not more than \$10.00. All of the increased fees described above are set to revert to the "not-more-than-\$5" amounts on September 1, 2019. *See* §§ 51.305, 51.317, Gov't Code; § 118.011, Loc. Gov't Code. *See also* **Costs, Fees, Fines and Collections**.

HB 1562 – Effective 9/1/13

Requires court clerks to send a notice to a surety who is in default for an offense other than a Class C misdemeanor. The notice is to be sent by certified mail to the last known address of the surety. *See* art. 17.11, Code Crim. Proc.

HB 1728 – Effective 6/14/13.

Prohibits the use of unsworn declarations for a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, an oath of office, or an oath required to be taken before a specified officer other than a notary public. Requires that the seal provided to each county court be impressed on all process other than subpoenas issued out of the court. Requires that the seal be used to authenticate the official acts of the county clerk and county judge. Authorizes the seal to be created using electronic means. Authorizes the signature of the county clerk to be affixed on an original document using electronic means and authorizes a seal impressed or a signature affixed by electronic means to be delivered or transmitted electronically. *See* §§ 132.001(b), 191.001(b), Loc. Gov't Code; § 26.005, Gov't Code.

HB 3253 – Effective 6/14/13

Requires state registrar to notify county clerk of the county in which a person was born of that person's death. Requires county clerk to note the person's date of death on the person's birth certificate. *See* § 191.034, Loc. Gov't Code.

HB 3314 – Effective 6/14/13.

Requires new district and county clerks to complete 20 hours of continuing education within one year after becoming the clerk. This is a slight change from existing law. *See* § 51.605, Gov't Code.

SB 107 – Effective 9/1/13.

Allows a person to petition the court that placed him or her on deferred adjudication for an order of nondisclosure. Directs the Office of Court Administration to promulgate a petition form and publish the form on its website. Directs district and county clerks who maintain Internet sites to link to the OCA form. Requires the court to provide notice of the petition to the State. Requires the court to hold a hearing in most instances. Prohibits courts from disclosing to the public any information contained in court records that are the subject of an order of nondisclosure. Provides for limited disclosure to certain agencies and entities. Directs court clerks to seal related court records after sharing certain relevant information with the Department of Public Safety. *See* § 411.081, Gov't Code. *See also* **Expunctions and Orders of Nondisclosure; Office of Court Administration; Open Records.**

SB 354 – Effective 5/18/13

Permits court clerks to send various notices by e-mail. *See* arts. 11.07, 11.071, 11.072, 38.41, 38.42, Code Crim. Proc.

SB 392 – Effective 9/1/13.

Requires a party challenging the constitutionality of a Texas statute to complete a form relating to the challenge. The form is to be promulgated by the Office of Court Administration. The Court then must notify the attorney general of the challenge and provide the attorney general with the petition, motion or other pleading raising the constitutional issue. *See* § 402.010, Gov't Code. *See also* **Office of Court Administration.**

SB 1630 – Effective 9/1/13.

Substantially revises statutory provisions regarding vexatious litigants. Clarifies that the provisions do not apply to municipal courts. Provides that prefiling orders entered by justice courts or constitutional county courts apply only to the court that entered the order while prefiling orders entered by district courts and statutory county courts apply to all state courts. Clarifies which local administrative judge must be contacted by a vexatious litigant to obtain permission to file new litigation. Revises procedures to be followed when a clerk mistakenly permits vexatious litigants to file lawsuits. Clarifies that the Office of Court Administration (OCA) may not remove the name of a vexatious litigant from its website list without a written order from the court that entered the prefiling order or from an appellate court. *See* Chapter 11, Civ. Prac. & Rem. Code. *See also* **Appellate Courts; Office of Court Administration.**

District Courts

HB 1875 – Effective 9/1/13.

Prohibits the transfer of most civil and criminal cases from one district court to another district court located in the same county without the consent of the receiving judge. Expressly excepts suits affecting the parent-child relationship where court clerk makes mandatory transfer to court in which suit for the dissolution of marriage has been filed. *See* § 24.003, Gov't Code. *See also* **Judicial Administration.**

HB 3153 – Effective 9/1/13 (except as otherwise specified below).

Creates the new 452nd District Court to serve Edwards, Kimble, McCulloch, Mason and Menard Counties. These five counties were formerly part of the 198th Judicial District. Moves Bandera County from the 216th Judicial District to the 198th Judicial District.

Creates the 443rd District Court comprised of Ellis County effective 9/1/14.

Creates the 442nd District Court comprised of Denton County effective 1/1/15.

Creates the 450th District Court comprised of Travis County effective 9/1/15.

Moves Leon County from the 12th Judicial District to the 369th Judicial District. Removes Waller County from the 155th Judicial District effective 1/1/14. *See* §§ 24.113, 24.254, 24.275, 24.377, 24.514, 24.586, 24.587, 24.594, 24.596, Gov't Code.

Expunctions and Orders of Nondisclosure

SB 107 - Effective 9/1/13.

Allows a person to petition the court that placed him or her on deferred adjudication for an order of nondisclosure. Directs the Office of Court Administration to promulgate a petition form and publish the form on its website.

Directs district and county clerks who maintain Internet sites to link to the OCA form. Requires the court to provide notice of the petition to the State. Requires the court to hold a hearing in most instances. Prohibits courts from disclosing to the public any information contained in court records that are the subject of an order of nondisclosure. Provides for limited disclosure to certain agencies and entities. Directs court clerks to seal related court records after sharing certain relevant information with the Department of Public Safety. *See* § 411.081, Gov't Code. *See also* **District and County Clerks, Office of Court Administration, Open Records.**

SB 484 – Effective 9/1/13.

Requires counties with populations over 200,000 to establish a prostitution prevention program; cities and other counties are permitted to do so. The program is aimed at persons who are charged with committing the offense of prostitution. The program provides participants with instruction related to the prevention of prostitution and with information, counseling and services related to sex addiction. Requires courts to enter an order of nondisclosure if the participant successfully completes the program. Authorizes programs to collect a program fee of up to \$1,000 from program participants. *See* Chapter 169A, Health & Safety Code. *See also* **Costs, Fees, Fines and Collections; Criminal Law and Procedure.**

Family Law

HB 869 – Effective 9/1/13.

Restricts the ability to obtain a marriage license when both applicants are absent to members of the armed forces of the United States stationed in another country in support of combat or another military operation. Restricts the ability of a proxy to participate in a marriage ceremony. *See* §§ 2.006(a), 2.007, 2.0071, 2.203(b), Fam. Code; § 194.001(a), Health and Safety Code. *See also* **District and County Clerks.**

SB 129 – Effective 6/14/13.

Expands venue for the filing of an application for a protective order against family violence to include any county in which the family violence is alleged to have occurred. *See* § 82.003, Fam. Code.

SB 886 – Effective 9/1/13.

Makes changes concerning young adults who voluntarily remain in foster care after their 18th birthday. Creates the concept of “trial independence” – a period of six months to a year following a person’s 18th birthday in which the young adult exits foster care and lives independently, but has an option to return to foster care until age 21. The court is not required to hold review hearings during trial independence, but may do so at the request of the young adult. *See* §§ 263.601, 263.6015, 263.602, 263.6021, 263.603, Fam. Code.

SB 1759 – Effective 9/1/13.

Amends procedures for the appointment and duties of attorneys ad litem in certain suits affecting the parent-child relationship. Provides notice to parents of their right to counsel. Requires that continuing education hours be focused on the representation of a parent. Sets forth powers and duties of an attorney ad litem for a parent whose identity or location is unknown and who has been served with citation by publication. *See* §§ 107.004, 107.013, 107.0131, 107.0132, 107.014, 262.1015, 262.102, 262.103, 262.201, 263.0061, Fam. Code.

Indigent Defense

HB 577 – Effective 6/14/13.

Clarifies that public defender attorneys may be appointed to file an application for a writ of habeas corpus. *See* art. 26.044, Code Crim. Proc.

HB 1025 – Effective 6/14/13.

Provides an additional \$475,000 in Fiscal Year 2013 to the Comptroller’s Judiciary Section, Juror Pay Strategy out of General Revenue to cover the costs of providing legal representation for an inmate in a capital murder trial. Also provides an additional amount estimated to be \$7,495,137 in FY 2013 to the Comptroller’s Judiciary Section, District Judges Strategy out of General Revenue to cover a revenue shortfall to pay the salaries for district judges and prosecutors.

HB 1245 – Effective 9/1/14.

Extends funding for continuing legal education and other support programs for criminal defense attorneys who represent indigent defendants to include the attorneys’ personnel. *See* § 56.004, Gov’t Code.

HB 1318 – Effective 9/1/13.

Requires each county to submit to the Texas Indigent Defense Commission [TIDC] the plans of operation for the creation of a public defender's office or managed assigned counsel program. A copy of any contract for indigent defense services maintained by the county is also to be submitted. The submission of these plans (and contract, if any) is to be made beginning November 1, 2013 and is to be made along with the county's indigent defense plan. Also requires attorneys on the appointment list to submit to the county annually (beginning October 15, 2014), a description of the percentage of the attorney's practice time that was dedicated to appointed criminal and juvenile work in the county. Requires counties to submit to TIDC annually (beginning November 1, 2014), the information received from the attorneys along with a description of the number of appointments made to each attorney in the county. Also requires TDIC to conduct and publish a study by January 1, 2015 to determine guidelines for establishing maximum caseloads for attorneys accepting criminal or juvenile appointments. Also requires appointment of counsel before the initial juvenile detention hearing unless the court finds that exigent circumstances exist. Prohibits a public defender from accepting an appointment if it would violate the maximum attorney caseload limit established for the office. Protects a chief public defender from adverse employment actions if the defender refuses an appointment in good faith. *See* arts. 26.04, 26.044, Code Crim. Proc.; §§ 51.01, 51.101, Fam. Code; § 79.036, Gov't Code.

SB 1044 – Effective 9/1/13.

Authorizes public defender's offices and the Office of Capital Writs to obtain criminal history record information from the Department of Public Safety (DPS) free of charge. *See* §§ 411.082, 411.088, 411.1272, 411.1301, Gov't Code. *See also* **Open Records**.

Judges in General

HB 62 – Effective 1/1/15.

Prohibits most judges from owning a substantial interest in a community residential, correctional or rehabilitation facility. *See* § 21.010, Gov't Code.

SB 1896 – Effective 5/25/13.

Expands the definition of "state judge" to include statutory probate court judges, constitutional county judges, associate judges appointed under Chapter 54 of the Government Code, and municipal judges. State judges may elect to have their home addresses made confidential in property tax appraisal records. *See* § 25.025, Tax Code. *See also* **Open Records**.

Judicial Administration

HB 1445 – Effective 5/28/13.

Authorizes a court to order that civil restitution recovered by the Attorney General in a consumer protection, public health, or general welfare proceeding be credited to the Judicial Fund for Supreme Court approved programs that provide basic civil legal services to the indigent if the court finds: (1) it is impossible or impracticable to identify the injured parties; (2) it is impossible or impracticable to determine the degree to which the claimants were injured and entitled to recover; (3) the cost of administering the claim will disproportionately reduce the amount of restitution available for individual claims; or (4) the claims of all identifiable persons eligible for restitution have been paid without exhausting available funds. Does not change the Attorney General's authority to seek and obtain *cy pres* distribution from a court. *See* § 402.007, Gov't Code.

HB 1875 – Effective 9/1/13.

Prohibits the transfer of most civil and criminal cases from one district court to another district court located in the same county without the consent of the receiving judge. Expressly excepts suits affecting the parent-child relationship where court clerk makes mandatory transfer to court in which suit for the dissolution of marriage has been filed. *See* § 24.003, Gov't Code. *See also* **District Courts**.

SB 966 – Effective 9/1/14.

Creates the Judicial Branch Certification Commission to license and regulate court reporters and court reporting firms, professional guardians, process servers, and licensed court interpreters. Creates advisory boards to advise the new Commission on policy matters for each of the above professions. The advisory boards will also assist in complaint review. Abolishes the Court Reporters Certification Board, Guardianship Certification Board, and Process Server Review Board. The Commission will be administratively attached to the Office of Court Administration. The Supreme Court of Texas will appoint the nine members of the Commission as well as the

advisory board members. The Supreme Court will also approve rules for the Commission. While the bulk of the bill is effective 9/1/14, those portions of the bill authorizing the Supreme Court to appoint members and approve rules are effective 9/1/13. *See* §§ 51.008, 52.001-52.034, 57.001(5), 57.041-57.051, 111.001-111.044, 151.001, 152.001-152.205, 153.001-153.059, 154.001-154.115, 155.105, 156.001, 156.051, 156.052, 157.001-157.107, Gov't Code. *See also* **Office of Court Administration; Other Court Actors; Probate, Guardianships and Mental Health; Supreme Court.**

SB 1620 – Effective 6/14/13.

Requires a court to appoint a certified communication access realtime translation (CART) provider for an individual who has a hearing impairment if a motion for appointment of a provider is filed by a party or is requested by a witness in a civil or criminal proceeding. Also authorizes a court to make such an appointment on its own motion. Requires the Department of Assistive and Rehabilitative Services (DARS) to maintain a list of certified CART providers. *See* §§ 57.001, 57.002, Gov't Code. *See also* **Other Court Actors.**

Judicial Compensation

SB 560 – Effective 9/1/13.

Allows counties to pay the salaries of county court at law judges in equal biweekly installments if authorized by the commissioners court. Also authorizes county supplements to the salaries of court of appeals justices to be made in equal bimonthly installments if authorized by the commissioners court. *See* §§ 25.0005, 31.004, Gov't Code.

SB 1080 – Effective 9/1/13.

Requires the Office of Court Administration (OCA) to conduct a study to determine the adequacy and appropriateness of judicial compensation paid to constitutional county judges who have jurisdiction of Class A and B misdemeanors, probate and guardianship matters, and matters of mental health and who serve in counties without a statutory county court. Requires OCA to prepare a report with recommendations on methods to improve the compensation and submit the report to the Lieutenant Governor, Speaker of the House, and Chairs of legislative committees with jurisdiction over the judiciary by November 1, 2014. *See also* **Office of Court Administration.**

Judicial Selection, Qualifications and Discipline

HB 2772 – Effective 6/14/13.

Establishes the Joint Interim Committee on Judicial Selection to study and review the method by which statutory county court judges (including statutory probate court judges), district judges, and appellate judges and justices are selected. Lists the items the Interim Committee must study, including the relative merits of alternative methods for selecting judicial officers. Requires the Interim Committee, which is composed of six senators and six representatives, to report its findings and recommendations to the Lieutenant Governor, Speaker of the House of Representatives, and Governor by January 6, 2015.

SB 209 – Effective 9/1/13.

Adds public sanctions to the list of disciplinary actions the State Commission on Judicial Conduct (SCJC) is authorized to issue following a formal proceeding. Since the list of disciplinary actions that can result from a formal proceeding is prescribed in the Texas Constitution, a constitutional amendment is required to effectuate this change. Senate Joint Resolution (SJR) 42 proposes such a constitutional amendment. If approved by Texas voters on November 5, 2013, the change would take effect on January 1, 2014. (Other provisions of the bill are effective on September 1, 2013.) Also requires the SCJC to hold a public hearing in each even-numbered year to allow for public comment regarding its mission and operations. Requires the SCJC to give Sunset Advisory Commission staff access to confidential documents, records, meetings, and proceedings for purposes of sunset review. Requires that, after dismissing a complaint, the SCJC must provide the complainant with each reason the why the alleged conduct did not constitute judicial misconduct. Requires the Commission to periodically assess its operations and review its procedural rules and to conduct the initial assessment and review no later than December 31, 2013. Provides that the next sunset review of the SCJC will take place in six years. *See* SJR 42; §§ 33.001-33.003, 33.005, 33.0055, 30.0322, 33.033, 33.034, 33.039, Gov't Code. *See also* **Open Records.**

SJR 42 – Effective upon voter approval.

Proposes a constitutional amendment that would expand the types of sanctions that may be assessed against judges following formal proceedings instituted by the State Commission on Judicial Conduct. *See* Tex. Const., Article V, Section 1-a, Subdivision 8.

Justices of the Peace and Municipal Judges

HB 232 – Effective 6/14/13

Allows a court to order defendants who reside in counties with populations of less than 75,000 to complete an online alcohol awareness program or to perform community service related to alcohol abuse prevention in lieu of attending an alcohol awareness program. *See* §§ 61.09, 61.31, 61.32, 61.33, Alco. Bev. Code.

HB 338 – Effective 6/14/13

Requires a hearing regarding a towed vehicle to be heard in any justice court in the county in which the motor vehicle was towed. Requires the hearing concerning booted vehicles to be heard in any justice court in the county in which the parking facility is located. *See* §§ 2308.453, 2308.455, Occ. Code.

HB 438 – Effective 9/1/13.

Extends the authority to issue occupational driver's licenses to justice courts. *See* § 521.242, Transp. Code.

HB 1263 – Effective 4/10/13

Makes new rules in small claims cases effective 8/31/13. The rules were originally set to go into effect on 5/1/13.

HB 2025 – Effective 6/14/13.

Clarifies that changes made by the 82nd Legislature in HB 984 apply to offenses committed before the effective date of that act – May 19, 2011. HB 984 concerned agreements between neighboring municipalities regarding jurisdiction of cases in municipal courts.

HB 3561 – Allows municipal courts in cities with populations of 3,500 or less to conduct court proceedings within the corporate limits of a contiguous municipality. *See* § 29.104, Gov't Code.

SB 1792 – Effective 6/14/13. (*New filing fee effective 1/1/14.*)

Concerns remedies for nonpayment of tolls. Calls for payment of a \$100 filing fee in justice court in a case to determine whether a person is a "habitual violator." *See* Chapter 372, Subchapter C, Transp. Code. ***See also* Costs, Fees, Fines and Collections.**

Juvenile Justice

HB 528 – Effective 1/1/14.

Expands the circumstances under which records relating to a child charged with committing a non-traffic, fine-only misdemeanor are confidential. Under current law, such records are confidential only if the child was convicted and has satisfied the judgment. Once effective, this bill makes such records confidential if the child is charged with the offense. The records will remain confidential regardless of whether the child is convicted or found not guilty of the offense. The records will also remain confidential if the child is granted deferred disposition or if the charge is dismissed. Also makes confidential all records relating to the case of a child who has committed a non-traffic, fine-only misdemeanor that is appealed. The foregoing confidentiality provisions do not apply to certain individuals and entities including the child and the child's parents. *See* arts. 44.2811, 45.0217, Code Crim. Proc.; § 58.00711, Fam. Code. ***See also* Open Records.**

HB 694 – Effective 6/14/13.

Authorizes the release of juvenile justice agency information concerning a juvenile to the military for the purpose of determining the juvenile's eligibility to join the military. The release is only authorized if the juvenile provides written permission. *See* §§ 58.204, 58.207, Fam. Code; § 411.1410, Gov't Code. ***See also* Open Records.**

HB 2862 – Effective 9/1/13.

Permits the U.S. military to access juvenile records held by certain agencies. Makes other procedural changes in juvenile courts. *See* § 58.207, Fam. Code. ***See also* Open Records.**

SB 92 – Effective 9/1/13.

Authorizes a juvenile board to establish a "trafficked persons program." The program serves children who are alleged to have engaged in delinquent conduct or conduct indicating a need for supervision and who may be victims of human trafficking. Describes circumstances in which a juvenile court can require a juvenile to participate in the program. Authorizes the sealing of certain records of juveniles who successfully complete a trafficked persons program. *See* § 54.0326, 54.04011, 58.003, Fam. Code; § 152.0016, Hum. Res. Code. ***See also* Open Records.**

SB 393 – Effective 9/1/13.

Permits judge to allow child convicted of fine-only misdemeanor to elect to perform community service or receive tutoring in lieu of paying a fine and court costs. Authorizes court to waive payment of fine and costs by a child if performing community service would be an undue hardship. Makes largely confidential the court records of a child who has received deferred disposition for a fine-only misdemeanor and has satisfied the judgment and received a dismissal of the charges. Expands the scope of juvenile case manager services to include children referred to a court prior to any case being filed for conduct that would otherwise be within the court's jurisdiction. Allows juvenile case managers to provide prevention and intervention services in such cases. Requires courts to dismiss truancy cases in which required statement from student's school regarding truancy prevention measures is missing. Makes offenses of disruption of class and disruption of transportation inapplicable to children younger than 12. Prohibits law enforcement from issuing a citation to students accused of committing "school offenses" which are defined as non-traffic Class C misdemeanor offenses committed by children enrolled in public schools that are committed on property under school district control. Establishes system of graduated sanctions for certain school offenses. Allows for filing of a criminal complaint if a child fails to comply with graduated sanctions. Permits prosecuting attorneys to adopt rules pertaining to the filing of such complaints. Authorizes inclusion in first offender programs of children accused prior to the filing of a criminal charge of non-traffic Class C misdemeanors. Prohibits person younger than 10 from being prosecuted for a fine-only misdemeanor or a penal ordinance of a political subdivision. Creates rebuttable presumption that child between the ages of 10 and 14 is incapable of committing a fine-only misdemeanor or violating a penal ordinance of a political subdivision. Creates procedure for handling cases in which child accused of committing a fine-only misdemeanor of violating a penal ordinance of a political subdivision may have mental illness or a developmental disability. Makes most disorderly conduct offenses committed on public school campuses during school hours inapplicable to children under 12. *See* arts. 42.15, 43.091, 44.2811, 45.0217, 45.041, 45.0491, 45.056, Code Crim. Proc.; §§ 25.0915, 37.124, 37.126, 37.141, 37.143, 37.144, 37.145, 37.146, 37.147, Educ. Code; § 52.031, Fam. Code; §§ 8.07, 8.08, 42.01 Penal Code. ***See also* Costs, Fees, Fines and Collections; Open Records.**

SB 394 – Effective 9/1/13.

Makes the records of cases in which children have received a dismissal of charges in non-traffic deferred disposition cases punishable by fine only generally confidential. The records are still open to inspection by the child and certain others. *See* arts. 44.2811, 45.0217, Code Crim. Proc.; § 58.00711, Fam. Code. ***See also* Open Records.**

SB 395 – Effective 9/1/13.

Permits judges to allow a child convicted of a crime to elect whether to discharge court-ordered fines and costs by performing community service or receiving tutoring. The election must be made in writing and signed by the child defendant and, if present, the child's parent or guardian. Additionally, allows a court to waive a child's fine and court costs if the child is unable to perform community service. *See* arts. 42.15, 43.091, 45.041, 45.0491, Code Crim. Proc. ***See also* Costs, Fees, Fines and Collections.**

SB 1114 – Effective 9/1/13.

Requires a law enforcement officer who issues a citation or files a complaint for conduct by a child 12 years of age or older that is alleged to have occurred on school property or on a school bus to submit extra documentation to the court. The extra documentation consists of the offense report, a statement by a witness to the alleged conduct, and a statement by a victim of the alleged conduct, if any. Prohibits a law enforcement officer from issuing a citation or filing a complaint for the conduct described above if the acts were performed by a child under the age of 12. Prohibits the issuance of a warrant for the arrest of a person for a Class C misdemeanor under the Education Code if the offense was committed when the person was younger than 17. Allows a child accused of a non-traffic Class C misdemeanor to be referred to a first offender program. *See* art. 45.058, Code Crim. Proc., § 37.085, Educ. Code, § 52.031, Fam. Code.

SB 1419 – Effective 9/1/13. (*New court cost effective 1/1/14.*)

Expands the situations in which juvenile case managers can provide services. Specifically, permits juvenile case managers to provide services to juvenile offenders who are referred to a court by a school administrator for misconduct that would otherwise be within the court's statutory powers prior to a case being filed. Also permits juvenile case managers to provide prevention and intervention services to children considered to be at risk of entering the juvenile justice system. Creates the Truancy Prevention and Diversion Fund as part of the State's General Revenue Fund. Requires a person convicted of an offense other than a parking or pedestrian offense in a municipal or justice court to pay a court cost of \$2 to fund the Truancy Prevention and Diversion Fund. Money in the fund is to be distributed to local governmental entities for truancy prevention and intervention services. *See* arts. 45.056, 102.015, Code Crim. Proc. ***See also* Costs, Fees, Fines and Collections.**

Office of Court Administration

HB 1435 – Effective 9/1/13.

Provides that when a court issues an order requiring the release of a criminal defendant who has been acquitted due to insanity and the clerk is required to provide notice to the victim or the victim's guardian or relative, the clerk may request and obtain information and assistance from a victim assistance coordinator. Removes the criminal penalty for a clerk's failure to report dispositions of juvenile cases. Requires the applicant or the attorney for the applicant for a protective order to provide the clerk with the mailing address of the staff judge advocate or provost marshal in appropriate circumstances. Requires the Office of Court Administration (OCA) to publish a form that a party challenging the constitutionality of a statute must use to inform the attorney general of the challenge. *See* art. 46C.003, Code Crim. Proc.; §§ 58.110, 85.042, Fam. Code; § 402.010, Gov't Code. ***See also* District and County Clerks.**

HB 2302 – Effective 9/1/13. (*New Fees and Costs effective 9/1/13 except that the new \$2 e-filing transaction fee becomes effective 1/1/14.*)

Establishes a new State fund known as the Statewide Electronic Filing System Fund. Creates a new civil filing fee and a new criminal court cost that are directed to the foregoing fund to primarily pay for TexFile – the State's new e-filing portal. The new civil fee will be \$20 in all courts except justice courts (in which the filing fee will be \$10). The fee is to be charged upon the filing of a petition or other original document in a case and on the filing of certain other documents such as counterclaims. The new criminal court cost will be a \$5 cost assessed upon conviction of an offense in a district court or county-level court. There is no new criminal court cost in the justice and municipal courts to support e-filing. Also allows local governments and appellate courts to continue to assess a \$2 fee on every e-filing transaction. The \$2 fee can only be charged if the local government or appellate court annually certifies to the Office of Court Administration [OCA] that the amount of the fee is necessary to recover the operating costs of the e-filing system. OCA is to promulgate a form on which such a certification can be made. Revenue from this \$2 fee is retained by the local governments and appellate courts so they may recoup their costs associated with e-filing. The authority of local governments and appellate courts to charge this \$2 fee is scheduled to expire on September 1, 2019. A court may waive any or all of the foregoing fees for an indigent individual. A Title IV-D agency is to pay only the \$2 transaction fee; a Title IV-D agency does not pay the filing fees destined for the Statewide Electronic Filing System Fund. OCA is required to file a report by December 1, 2018 with the lieutenant governor and others detailing the number of local governments and appellate courts collecting the \$2 fee and addressing the necessity of permitting local governments and appellate courts to continue to assess the fee. *See* §§ 21.011, 51.851, 51.852, 72.031, Gov't Code; §§ 231.202, 231.204, Fam. Code. ***See also* Costs, Fees, Fines and Collections.**

SB 107 – Effective 9/1/13.

Allows a person to petition the court that placed him or her on deferred adjudication for an order of nondisclosure. Directs the Office of Court Administration to promulgate a petition form and publish the form on its website. Directs district and county clerks who maintain Internet sites to link to the OCA form. Requires the court to provide notice of the petition to the State. Requires the court to hold a hearing in most instances. Prohibits courts from disclosing to the public any information contained in court records that are the subject of an order of nondisclosure. Provides for limited disclosure to certain agencies and entities. Directs court clerks to seal related court records after sharing certain relevant information with the Department of Public Safety. *See* § 411.081, Gov't Code. ***See also* District and County Clerks, Expunctions and Orders of Nondisclosure, Open Records.**

SB 392 – Effective 9/1/13.

Requires a party challenging the constitutionality of a Texas statute to complete a form relating to the challenge. The form is to be promulgated by the Office of Court Administration. The Court then must notify the attorney general of the challenge and provide the attorney general with the petition, motion or other pleading raising the constitutional issue. *See* § 402.010, Gov't Code. ***See also* District and County Clerks.**

SB 966 – Effective 9/1/14.

Creates the Judicial Branch Certification Commission to license and regulate court reporters and court reporting firms, professional guardians, process servers, and licensed court interpreters. Creates advisory boards to advise the new Commission on policy matters for each of the above professions. The advisory boards will also assist in complaint review. Abolishes the Court Reporters Certification Board, Guardianship Certification Board, and Process Server Review Board. The Commission will be administratively attached to the Office of Court Administration. The Supreme Court of Texas will appoint the nine members of the Commission as well as the advisory board members. The Supreme Court will also approve rules for the Commission. While the bulk of the

bill is effective 9/1/14, those portions of the bill authorizing the Supreme Court to appoint members and approve rules are effective 9/1/13. *See* §§ 51.008, 52.001-52.034, 57.001(5), 57.041-57.051, 111.001-111.044, 151.001, 152.001-152.205, 153.001-153.059, 154.001-154.115, 155.105, 156.001, 156.051, 156.052, 157.001-157.107, Gov't Code. *See also* **Judicial Administration; Other Court Actors; Probate, Guardianships and Mental Health; Supreme Court.**

SB 1080 – Effective 9/1/13.

Requires the Office of Court Administration (OCA) to conduct a study to determine the adequacy and appropriateness of judicial compensation paid to constitutional county judges who have jurisdiction of Class A and B misdemeanors, probate and guardianship matters, and matters of mental health and who serve in counties without a statutory county court. Requires OCA to prepare a report with recommendations on methods to improve the compensation and submit the report to the Lieutenant Governor, Speaker of the House, and Chairs of legislative committees with jurisdiction over the judiciary by November 1, 2014. *See also* **Judicial Compensation.**

SB 1630 – Effective 9/1/13.

Substantially revises statutory provisions regarding vexatious litigants. Clarifies that the provisions do not apply to municipal courts. Provides that prefiling orders entered by justice courts or constitutional county courts apply only to the court that entered the order while prefiling orders entered by district courts and statutory county courts apply to all state courts. Clarifies which local administrative judge must be contacted by a vexatious litigant to obtain permission to file new litigation. Revises procedures to be followed when a clerk mistakenly permits vexatious litigants to file lawsuits. Clarifies that the Office of Court Administration (OCA) may not remove the name of a vexatious litigant from its website list without a written order from the court that entered the prefiling order or from an appellate court. *See* Chapter 11, Civ. Prac. & Rem. Code. *See also* **Appellate Courts; District and County Clerks.**

SB 1908 – Effective 9/1/13.

Directs the Office of Court Administration to conduct a study on court costs and fees that identifies all costs and fees and then determines whether each cost and fee is necessary to accomplish the fee's stated statutory purpose. The study is to be completed by September 1, 2014. *See* § 72.031, Gov't Code. *See also* **Costs, Fees, Fines and Collections.**

Open Records

HB 528 – Effective 1/1/14.

Expands the circumstances under which records relating to a child charged with committing a non-traffic, fine-only misdemeanor are confidential. Under current law, such records are confidential only if the child was convicted and has satisfied the judgment. Once effective, this bill makes such records confidential if the child is charged with the offense. The records will remain confidential regardless of whether the child is convicted or found not guilty of the offense. The records will also remain confidential if the child is granted deferred disposition or if the charge is dismissed. Also makes confidential all records relating to the case of a child who has committed a non-traffic, fine-only misdemeanor that is appealed. The foregoing confidentiality provisions do not apply to certain individuals and entities including the child and the child's parents. *See* arts. 44.2811, 45.0217, Code Crim. Proc.; §58.00711, Fam. Code. *See also* **Juvenile Justice.**

HB 694 – Effective 6/14/13.

Authorizes the release of juvenile justice agency information concerning a juvenile to the military for the purpose of determining the juvenile's eligibility to join the military. The release is only authorized if the juvenile provides written permission. *See* §§ 58.204, 58.207, Fam. Code; § 411.1410, Gov't Code. *See also* **Juvenile Justice.**

HB 1632 – Effective 6/14/13

Requires judges and spouses of judges to provide an affidavit along with a voter registration application in order to keep confidential their residence addresses contained in voter registration records. *See* § 13.004, Elec. Code.

HB 2862 – Effective 9/1/13.

Permits the U.S. military to access juvenile records held by certain agencies. Makes other procedural changes in juvenile courts. *See* § 58.207, Fam. Code. *See also* **Juvenile Justice.**

SB 92 – Effective 9/1/13.

Authorizes a juvenile board to establish a “trafficked persons program.” The program serves children who are alleged to have engaged in delinquent conduct or conduct indicating a need for supervision and who may be victims of human trafficking. Describes circumstances in which a juvenile court can require a juvenile to participate in the program. Authorizes the sealing of certain records of juveniles who successfully complete a trafficked persons program. *See* § 54.0326, 54.04011, 58.003, Fam. Code; § 152.0016, Hum. Res. Code. ***See also Juvenile Justice.***

SB 107 – Effective 9/1/13.

Allows a person to petition the court that placed him or her on deferred adjudication for an order of nondisclosure. Directs the Office of Court Administration to promulgate a petition form and publish the form on its website. Directs district and county clerks who maintain Internet sites to link to the OCA form. Requires the court to provide notice of the petition to the State. Requires the court to hold a hearing in most instances. Prohibits courts from disclosing to the public any information contained in court records that are the subject of an order of nondisclosure. Provides for limited disclosure to certain agencies and entities. Directs court clerks to seal related court records after sharing certain relevant information with the Department of Public Safety. *See* § 411.081, Gov’t Code. ***See also District and County Clerks; Expunctions and Orders of Nondisclosure; Office of Court Administration.***

SB 209 – Effective 9/1/13.

Adds public sanctions to the list of disciplinary actions the State Commission on Judicial Conduct (SCJC) is authorized to issue following a formal proceeding. Since the list of disciplinary actions that can result from a formal proceeding is prescribed in the Texas Constitution, a constitutional amendment is required to effectuate this change. Senate Joint Resolution (SJR) 42 proposes such a constitutional amendment. If approved by Texas voters on November 5, 2013, the change would take effect on January 1, 2014. (Other provisions of the bill are effective on September 1, 2013.) Also requires the SCJC to hold a public hearing in each even-numbered year to allow for public comment regarding its mission and operations. Requires the SCJC to give Sunset Advisory Commission staff access to confidential documents, records, meetings, and proceedings for purposes of sunset review. Requires that, after dismissing a complaint, the SCJC must provide the complainant with each reason the why the alleged conduct did not constitute judicial misconduct. Requires the Commission to periodically assess its operations and review its procedural rules and to conduct the initial assessment and review no later than December 31, 2013. Provides that the next sunset review of the SCJC will take place in six years. *See* SJR 42; §§ 33.001-33.003, 33.005, 33.0055, 30.0322, 33.033, 33.034, 33.039, Gov’t Code. ***See also Judicial Selection, Qualifications and Discipline.***

SB 393 – Effective 9/1/13.

Permits judge to allow child convicted of fine-only misdemeanor to elect to perform community service or receive tutoring in lieu of paying a fine and court costs. Authorizes court to waive payment of fine and costs by a child if performing community service would be an undue hardship. Makes largely confidential the court records of a child who has received deferred disposition for a fine-only misdemeanor and has satisfied the judgment and received a dismissal of the charges. Expands the scope of juvenile case manager services to include children referred to a court prior to any case being filed for conduct that would otherwise be within the court’s jurisdiction. Allows juvenile case managers to provide prevention and intervention services in such cases. Requires courts to dismiss truancy cases in which required statement from student’s school regarding truancy prevention measures is missing. Makes offenses of disruption of class and disruption of transportation inapplicable to children younger than 12. Prohibits law enforcement from issuing a citation to students accused of committing “school offenses” which are defined as non-traffic Class C misdemeanor offenses committed by children enrolled in public schools that are committed on property under school district control. Establishes system of graduated sanctions for certain school offenses. Allows for filing of a criminal complaint if a child fails to comply with graduated sanctions. Permits prosecuting attorneys to adopt rules pertaining to the filing of such complaints. Authorizes inclusion in first offender programs of children accused prior to the filing of a criminal charge of non-traffic Class C misdemeanors. Prohibits person younger than 10 from being prosecuted for a fine-only misdemeanor or a penal ordinance of a political subdivision. Creates rebuttable presumption that child between the ages of 10 and 14 is incapable of committing a fine-only misdemeanor or violating a penal ordinance of a political subdivision. Creates procedure for handling cases in which child accused of committing a fine-only misdemeanor or violating a penal ordinance of a political subdivision may have mental illness or a developmental disability. Makes most disorderly conduct offenses committed on public school campuses during school hours inapplicable to children under 12. *See* arts. 42.15, 43.091, 44.2811, 45.0217, 45.041, 45.0491, 45.056, Code Crim. Proc.; §§ 25.0915, 37.124, 37.126, 37.141, 37.143, 37.144, 37.145, 37.146, 37.147, Educ. Code; § 52.031, Fam. Code; §§ 8.07, 8.08, 42.01 Penal Code. ***See also Costs, Fees, Fines and Collections; Juvenile Justice.***

SB 394 – Effective 9/1/13.

Makes the records of cases in which children have received a dismissal of charges in non-traffic deferred disposition cases punishable by fine only generally confidential. The records are still open to inspection by the child and certain others. *See* arts. 44.2811, 45.0217, Code Crim. Proc.; § 58.00711, Fam. Code. *See also* **Juvenile Justice**.

SB 1044 – Effective 9/1/13.

Authorizes public defender's offices and the Office of Capital Writs to obtain criminal history record information from the Department of Public Safety (DPS) free of charge. *See* §§ 411.082, 411.088, 411.1272, 411.1301, Gov't Code. *See also* **Indigent Defense**.

SB 1611 – Effective 1/1/14.

Creates duty on the part of the State to disclose any exculpatory, impeachment, or mitigating evidence that tends to negate guilt or reduce punishment. This duty exists before, during, and after trial. *See* art. 39.14, Code Crim. Proc. *See also* **Criminal Law and Procedure**.

SB 1896 – Effective 5/25/13.

Expands the definition of "state judge" to include statutory probate court judges, constitutional county judges, associate judges appointed under Chapter 54 of the Government Code, and municipal judges. State judges may elect to have their home addresses made confidential in property tax appraisal records. *See* § 25.025, Tax Code. *See also* **Judges in General**.

Other Court Actors

SB 966 – Effective 9/1/14.

Creates the Judicial Branch Certification Commission to license and regulate court reporters and court reporting firms, professional guardians, process servers, and licensed court interpreters. Creates advisory boards to advise the new Commission on policy matters for each of the above professions. The advisory boards will also assist in complaint review. Abolishes the Court Reporters Certification Board, Guardianship Certification Board, and Process Server Review Board. The Commission will be administratively attached to the Office of Court Administration. The Supreme Court of Texas will appoint the nine members of the Commission as well as the advisory board members. The Supreme Court will also approve rules for the Commission. While the bulk of the bill is effective 9/1/14, those portions of the bill authorizing the Supreme Court to appoint members and approve rules are effective 9/1/13. *See* §§ 51.008, 52.001-52.034, 57.001(5), 57.041-57.051, 111.001-111.044, 151.001, 152.001-152.205, 153.001-153.059, 154.001-154.115, 155.105, 156.001, 156.051, 156.052, 157.001-157.107, Gov't Code. *See also* **Judicial Administration; Office of Court Administration; Probate, Guardianships and Mental Health; Supreme Court**.

SB 1620 – Effective 6/14/13.

Requires a court to appoint a certified communication access realtime translation (CART) provider for an individual who has a hearing impairment if a motion for appointment of a provider is filed by a party or is requested by a witness in a civil or criminal proceeding. Also authorizes a court to make such an appointment on its own motion. Requires the Department of Assistive and Rehabilitative Services (DARS) to maintain a list of certified CART providers. *See* §§ 57.001, 57.002, Gov't Code. *See also* **Judicial Administration**.

Probate, Guardianships and Mental Health

HB 1738 – Effective 9/1/13.

Requires a peace officer who detains a person the officer believes is mentally ill to immediately inform the person of the reason for the detention and that a staff member of the mental health facility to which the person is admitted will inform the person of his or her rights within 24 hours. Requires the officer to immediately file with the facility a notification of the detention and prescribes the form the officer must use. Prohibits the facility or hospital emergency department from requiring a peace officer to execute any other form as a predicate to accepting the person for temporary admission and requires the facility or department to temporarily accept the person. Gives a person detained under this provision a reasonable opportunity to communicate with a person who has a proper interest in the person's welfare. Authorizes the Executive Commissioner of Health and Human Services to prescribe by rule the manner of informing the person of his or her rights. *See* §§ 573.001, 573.002, 573.021, 573.025, Health and Safety Code.

HB 1755 – Effective 1/1/14. (*New fee effective 1/1/14.*)

Authorizes the appointment of a public probate administrator who would take possession of a decedent's property and administer the estate when the estate has no appointed personal representative or suitable next of kin. Requires the assessment of a \$10 "supplemental public probate administrator fee" in counties that have appointed a public probate administrator when an original probate action or an adverse probate action is filed. *See* § 304.001(a) and Chapter 455, Estates Code; §25.00251, Gov't Code; §§ 118.052, 118.068, Loc. Gov't Code. ***See also Costs, Fees, Fines and Collections.***

HB 2080 – Amends payment provisions related to guardianship proceedings and allows courts to authorize court costs and attorney fee payments from the county treasury. Allows a court to require a party found to have acted in bad faith to reimburse a ward's estate for court costs and attorney fees. Makes certain rules of civil procedure inapplicable in guardianship proceedings. Provides for mediation of contested guardianship proceedings. Requires that certain orders appointing a guardian contain a specified notice to peace officers. *See* §§ 1052.051, 1053.105, 1101.151, 1101.152, 1155.151, Estates Code. ***See also Costs, Fees, Fines and Collections.***

HB 2407 – Effective 1/1/14.

Establishes procedure for restoration of a person's right to purchase a firearm once the person's guardianship has been terminated and the person's capacity is completely restored. To obtain restoration, the person must file an application, the court must hold a hearing, and the court must find that the person is no longer likely to act in a manner dangerous to public safety and that removing the person's disability to purchase a firearm is in the public interest. *See* §§ 1202.151(a), 1202.201, Estates Code.

SB 966 – Effective 9/1/14.

Creates the Judicial Branch Certification Commission to license and regulate court reporters and court reporting firms, professional guardians, process servers, and licensed court interpreters. Creates advisory boards to advise the new Commission on policy matters for each of the above professions. The advisory boards will also assist in complaint review. Abolishes the Court Reporters Certification Board, Guardianship Certification Board, and Process Server Review Board. The Commission will be administratively attached to the Office of Court Administration. The Supreme Court of Texas will appoint the nine members of the Commission as well as the advisory board members. The Supreme Court will also approve rules for the Commission. While the bulk of the bill is effective 9/1/14, those portions of the bill authorizing the Supreme Court to appoint members and approve rules are effective 9/1/13. *See* §§ 51.008, 52.001-52.034, 57.001(5), 57.041-57.051, 111.001-111.044, 151.001, 152.001-152.205, 153.001-153.059, 154.001-154.115, 155.105, 156.001, 156.051, 156.052, 157.001-157.107, Gov't Code. ***See also Judicial Administration; Office of Court Administration; Other Court Actors; Supreme Court.***

SB 1083 – Effective 9/1/13.

Adds statutory probate courts to the types of courts whose interlocutory orders may be appealed. *See* § 51.014, Civ. Prac. & Rem. Code. ***See also Appellate Courts.***

Specialty Courts

SB 462 – Effective 9/1/13.

Sets out requirements for specialty court programs including drug courts, family drug courts, veterans courts, and mental health courts. Authorizes the assessment of program fees for participation in the programs. *See* Chapters 122-125, Gov't Code. ***See also Costs, Fees, Fines and Collections.***

Supreme Court

SB 825 – Effective 9/1/13.

Prohibits a grievance committee from giving a private reprimand to a prosecutor for a violation of a disciplinary rule that requires a prosecutor to provide the defense with all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigate the offense. Requires the Supreme Court, in adopting minimum standards and procedures, to ensure that the statute of limitations for a grievance against a prosecutor alleging a disclosure violation does not begin to run until the date on which a wrongfully imprisoned person is released from a penal institution. Requires the Supreme Court to make certain amendments to the Texas Rules of Disciplinary Procedure by 12/1/13. *See* § 81.072, Gov't Code. ***See also Criminal Law and Procedure.***

SB 966 – Effective 9/1/14.

Creates the Judicial Branch Certification Commission to license and regulate court reporters and court reporting firms, professional guardians, process servers, and licensed court interpreters. Creates advisory boards to advise the new Commission on policy matters for each of the above professions. The advisory boards will also assist in complaint review. Abolishes the Court Reporters Certification Board, Guardianship Certification Board, and Process Server Review Board. The Commission will be administratively attached to the Office of Court Administration. The Supreme Court of Texas will appoint the nine members of the Commission as well as the advisory board members. The Supreme Court will also approve rules for the Commission. While the bulk of the bill is effective 9/1/14, those portions of the bill authorizing the Supreme Court to appoint members and approve rules are effective 9/1/13. *See* §§ 51.008, 52.001-52.034, 57.001(5), 57.041-57.051, 111.001-111.044, 151.001, 152.001-152.205, 153.001-153.059, 154.001-154.115, 155.105, 156.001, 156.051, 156.052, 157.001-157.107, Gov't Code. *See also* **Judicial Administration; Office of Court Administration; Other Court Actors; Probate, Guardianships and Mental Health.**