



Legislative Updates: 2023 Session

Texas Justice Court Training Center

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Intro

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JPCA Justice of the Peace Legislative Committee



Hon. J.R. Woolley (Chair) *Waller County*
Hon. Nick Chu (Vice-Chair) *Travis County*
Hon. Wayne Mack *Montgomery County*
Hon. Mark Russo *Rockwall County*
Hon. Lynn Holt *Bandera County*
Hon. William Ragsdale *Kerr County*
Hon. Naomi Doyle *Jefferson County*

Hon. Gregory Johnson *Bell County*
Hon. Jackie Miller *Ellis County*
Hon. Bobby Gonzalez *Nueces County*
Hon. Harold Kennington *Camp County*
Hon. Tricia Krenek *Fort Bend County*
Hon. Katie Chancia *Harris County*

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Resources

- Texas Justice Court Training Center: <https://www.tjctc.org/>
 - Legal Resources > Additional Resources > Legislative Materials
- Texas Legislature Online: <https://capitol.texas.gov/Home.aspx>
 - Can look up bills by number or by search terms.
 - See “How to Use Texas Legislature Online” handout.
- Texas Constitution and Statutes: <https://statutes.capitol.texas.gov/>
 - When a statute has been changed but the changes aren’t integrated yet, there will be a note and a link to the relevant bill immediately above the statute.
 - Reminder on how to navigate this site in TJCTC’s *The People’s Court: Overview, Resources, and Ethics* self-paced module (Part 3: Resources That Will Help You Do Your Job): <https://www.tjctc.org/onlinelearning/selfpacedmodules.html>

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Notes About Presentation

Not every bill will be covered in the presentation, but all relevant bills are listed in the Bill Chart handout along with the statutes that are affected by each one.

The presentation will only mention effective dates that are something other than 9/1/23 or if there is a special note related to the effective date; but all effective dates and any related notes are in the Bill Chart handout.

Some slides will have words that are in the regular black font and have underline or ~~strikethrough~~ formatting. Like in the text of the bills, underline indicates language added to a statute and strikethrough indicates language removed from a statute.

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Abbreviations

| | |
|------|--|
| COA | Cause of Action |
| HB | House Bill |
| SB | Senate Bill |
| TDLR | Texas Department of Licensing and Regulation |
| ABC | Alcoholic Beverage Code |
| CCP | Code of Criminal Procedure |
| CPRC | Civil Practice and Remedies Code |
| HSC | Health and Safety Code |
| LGC | Local Government Code |

Civil

Civil

Bill List

SB 1612 – Civil Filing Fee

HB 1745 – Limitation on Civil Liability for Transportation Network Companies

HB 2636 – Limitation on Civil Liability for RV Park and Campground Activities

SB 1179/1180 – Processing Litigation Filed by Civilly Committed People

HB 3474 – Service of Process During Legislative Proceeding

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SB 1612 – Civil Filing Fee

LGC § 133.151(a-1), 135.103(a); Effective 1/1/24

- State Consolidated Civil filing fee - \$21
- Local Consolidated Civil filing fee - \$33
- Charged on the filing of any civil case and on any action other than an original action for the civil case, including an appeal and any counterclaim, cross-action, intervention, contempt action, interpleader, motion for new trial, motion to reinstate, or third-party action.

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SB 1612 Scenario



1. The court dismisses a case for want of prosecution. The plaintiff files a motion to reinstate. Do they have to pay a filing fee/file a Statement of Inability?
2. A default judgment is later entered, and the defendant subsequently files a motion to set aside default judgment. Do they have to pay a filing fee/file a Statement of Inability?
3. If a Statement of Inability was filed at the beginning of the case with the petition, is that still good if one is required now?

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HB 1745 – Limitation on Civil Liability for Transportation Network Companies (*Slide 1*)

CPRC Ch. 150E added; Applies only to a COA that accrues on or after 9/1/23.

- Applies when:
 - A transportation network company (i.e. Rideshare provider) is the defendant;
 - The claimant seeks damages for loss of property, bodily injury or death;
 - The claim arises out of the ownership, use, operation, or possession of a network vehicle while the driver or passenger was logged on to the company's network; and
 - The theory of recovery is based on:
 - the ownership, operation, design, manufacture, or maintenance of a digital network accessed by a driver or passenger; or
 - the relationship, affiliation, or interaction with a driver logged on to the network.

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HB 1745 – Limitation on Civil Liability for Transportation Network Companies (*Slide 2*)

- The company may not be held vicariously liable if:
 - the claimant does not prove by clear and convincing evidence that the company was grossly negligent with respect to the subject claim; and
 - the company has fulfilled all of the company's obligations with respect to the transportation network company driver under Chapter 2402, Occupations Code, relating to the subject claim. *Examples of obligations:*

| | |
|--|--|
| <ul style="list-style-type: none">• 2402.104 – providing driver/vehicle information to rider• 2402.106 – intoxicating substance policy• 2402.107 – various driver reqs | <ul style="list-style-type: none">• 2402.111 – vehicle requirements• 2402.112 – nondiscrimination and accessibility policy• 2402.151 – retention of required records |
|--|--|

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HB 1745 – Limitation on Civil Liability for Transportation Network Companies (*Slide 3*)

- This bill does not affect liability for the company's own negligence or gross negligence relating to the use of the company's network, including the failure to prevent a driver from logging on to the network if:
 - at the time of the event,
 - the company had actual knowledge that the driver was disqualified from logging on for a reason described by Occupations Code § 2402.107(b),
 - that occurred after the most recent review of the driver's driving record/criminal background check.

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HB 2636 – Limitation on Civil Liability for RV Park and Campground Activities (*Slide 1*)

CPRC Ch. 75B added; Effective 6/10/23; Applies only to a COA that accrues on or after that date.

- This limitation is in addition to any other limitations of liability.
- Except as provided on the following slide, an RV park/campground is not liable to a participant (non-employee) arising out of participation in an RV park/campground activity if, at the time of the activity, the following warning was posted in a clearly visible location on or near the RV park/campground:

WARNING

TEXAS LAW (CHAPTER 75B, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE LIABILITY OF A RECREATIONAL VEHICLE PARK OR CAMPGROUND ENTITY FOR INJURIES OR DEATH OF A RECREATIONAL VEHICLE PARK OR CAMPGROUND PARTICIPANT RESULTING FROM A RECREATIONAL VEHICLE PARK OR CAMPGROUND ACTIVITY.

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HB 2636 – Limitation on Civil Liability for RV Park and Campground Activities (*Slide 2*)

- This does not limit liability for an injury intentionally caused by the RV park or campground entity or proximately caused by:
 - the RV park or campground's negligence with regard to the safety of the participant;
 - a potentially dangerous condition on the land, facilities, or equipment used in the activity, of which the RV park or campground knew or reasonably should have known; or
 - the RV park or campground's failure to train or improper training of an employee actively involved in an RV park or campground activity.

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SB 1179/1180 – Processing Litigation Filed by Civilly Committed People

CPRC Ch. 14A added; Effective 5/24/23, applies only to an action filed on/after the effective date of this Act.

- Procedures for litigation by civilly committed individuals who file a Statement of Inability.
 - Civilly committed individual = a sexually violent predator as defined by HSC § 841.003, who has been committed to a facility operated by or under contract with the Texas Civil Commitment Office.
- Similar to the procedures for inmate litigation.
- If one is filed in your court, see Ch. 14A for the specific details.

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HB 3474 – Service of Process During Legislative Proceeding

CPRC 30.0035 added

- Prohibits personal service of process during a legislative proceeding on a member, officer, or employee of the senate or house of representatives.
- Any service made in violation shall be quashed.
- If a process server violates this section, the Supreme Court must revoke their certification.

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Landlord/Tenant

Landlord/ Tenant Bill List

HB 2127 – Preemption of Municipal and County Regulations

HB 3536 – Commercial Lease Termination

HB 3474/SB 1259 – Repair and Remedy Jurisdiction Limit

HB 3474 – Writ of Retrieval Referred to Associate Judge

HB 2127 – Preemption of Municipal and County Regulations (*Slide 1*)

Property Code § 1.004

- Unless expressly authorized by another statute, a municipality or county may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of this code. An ordinance, order, or rule that violates this section is void, unenforceable, and inconsistent with this code.
- A field occupied by a provision of this code includes an ordinance, order, or rule regulating evictions or otherwise prohibiting, restricting, or delaying delivery of a notice to vacate or filing a suit to recover possession of the premises under Chapter 24.

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HB 2127 – Preemption of Municipal and County Regulations (*Slide 2*)

- Similar provisions in the following codes as well: Agriculture, Business and Commerce, Finance, Insurance, Labor, Natural Resources, Occupations, Property
- *LGC § 51.002*: The governing body of a municipality may adopt, enforce, or maintain an ordinance or rule only if the ordinance or rule is consistent with the laws of this state.

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HB 2127 Scenario



- A municipality has a local provision requiring a longer notice to vacate period. The provision will no longer be valid once HB 2127 goes into effect on 9/1/23. On August 18, a landlord provided a notice to vacate that complied with state law but violated the local provision. The landlord waits to file their eviction suit until after Sep. 1.
- Does the defendant win because the local provision was still in place at the time of the notice to vacate and so it wasn't a proper notice to vacate? Or does the plaintiff win because the case wasn't filed until after the provision was no longer valid?

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HB 3536 – Commercial Lease Termination (Slide 1)

Property Code § 93.013; Applies to any commercial lease entered into or renewed on or after 9/1/23.

- Landlord could already terminate a commercial lease (notwithstanding a provision in the lease to the contrary) if the premises were being used for prostitution or trafficking.

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HB 3536 – Commercial Lease Termination (Slide 2)

- Now also applies if the premises are used for the purpose of operating, maintaining, or advertising a massage establishment (as defined by Occupations Code § 455.001), that:
 - is not exempt from licensing requirements under state or federal law and:
 - has never been issued a license by TDLR; or
 - the license was suspended, revoked, or refused renewal by TDLR after the establishment obtained a right of possession in the leased premises;
- or*
- was issued a citation, administrative penalty, civil penalty, or other civil/criminal sanction for violating a local ordinance relating to prostitution or trafficking, operating a sexually oriented business, or violating Section 455.202, Occupations Code (rules for massage establishments).

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HB 3474/SB 1259 – Repair and Remedy Jurisdiction Limit

Property Code § 92.0563(e); Applies only to a COA that accrues on or after 9/1/23

- Jurisdiction limit for Repair and Remedy cases now moved up to \$20,000.

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HB 3474/SB 1259 Scenario

- A plaintiff files a Repair and Remedy case on August 28, 2023, seeking damages in the amount of \$12,000.
- The trial date would not be until after Sep. 1.
- Can the court hear the case? What should the court do?

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HB 3474 – Writ of Retrieval Referred to Associate Judge

Family Code § 201.005(a); Applies only to a suit or application filed on/after 9/1/23.

- A writ of retrieval proceeding can be referred to an associate judge (if your county has them).

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License Suspension & ODLs

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License Suspension & ODLs

Bill List

HB 842 – Driving While License Invalid (DWLI)
Offense License Suspension

HB 3647 – Consideration of Conviction for
License Suspension

HB 291 – Occupational Driver's License
Procedures & Omni

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HB 842 – DWLI Offense License Suspension

Transportation Code § 521.292(a) & 521.343(c) amended, 521.457(h),(i),(j) added

- Generally, a DWLI conviction results in a DL suspension (§ 521.292(a)) or an extension of an existing suspension (§ 521.343(c)).
- Now, DPS can't suspend/extend a suspension if:
 - the DWLI offense was committed before 9/1/19,
 - the conviction was after 8/31/23, and
 - they pay the fee required under 521.313(a) or any other fee required by DPS.
- This doesn't apply to a CDL or a person transporting hazardous materials/driving a CMV at the time of the offense.

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HB 3647 – Consideration of Conviction for License Suspension

Transportation Code § 521.042(f),(g) added

- When deciding to suspend, revoke, or deny renewal of a license, DPS can't consider a record of conviction that they receive more than a year after the date of the conviction.
- Exceptions:
 - Omni referrals from courts (Transportation Code Ch. 706)
 - CDL holder (now or at time of offense)
 - License holder was operating a CMV or a motor vehicle transporting hazardous materials at the time of the offense
 - Conviction is for an offense under Penal Code Ch. 49 (DWI offenses)

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HB 291 – Occupational Driver's License Procedures (*Slide 1*)

Transportation Code Ch. 521, Subchapter L

- “Occupational license” changed to “occupational driver's license”
- Multiple changes to the ODL procedures.

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HB 291 – Occupational Driver's License Procedures (*Slide 2*)

Eligibility:

- Can now get an ODL if license is revoked or canceled, not just suspended.
- Not eligible if revoked/canceled/suspended due to physical or mental disability/impairment or if DPS determines under Transportation Code § 521.294 that the person is incapable of safely operating a motor vehicle.
- Now explicitly eligible if the person does not hold a DL and is unable to get one due to a suspension order.
- Now explicitly eligible if can't obtain a DL because out of state DL was suspended, revoked, or canceled for a cause other than physical/mental disability/impairment.

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HB 291 – Occupational Driver’s License Procedures (*Slide 3*)

CDL Holders/CMVs

- Was already the case that a court cannot grant an ODL for the operation of a CMV.
 - Additional provision added stating that an ODL does not authorize a person to operate a commercial motor vehicle.
 - Clarification added that this does not prevent a person who has been issued a CDL from obtaining an ODL for the operation of a non-CMV.

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HB 291 – Occupational Driver’s License Procedures (*Slide 4*)

Where to File:

- Location of general filing: used to say “precinct or county,” now just “county” in which they reside or in which the incident leading to the suspension/revocation/cancellation occurred.
- Have always had to file in convicting court if automatic suspension. Now clarifies that this refers to automatic suspension, revocation, or cancellation due to a conviction as provided by Subchapter O or P.
- If suspension/revocation/cancellation is due to a court order, may apply either to any court in the county where they reside/the incident occurred for which the license was suspended, or to the court that issued the order.

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HB 291 – Occupational Driver’s License Procedures (*Slide 5*)

New Petition Requirements:

- Set forth in detail the petitioner's essential need, including a description of the hours and location of essential travel;
 - Essential need now explicitly includes need to drive “in the pursuit of an occupation or trade.”
- Describe the reason for the petitioner's license suspension, revocation, or cancellation;
- Provide evidence of the petitioner's financial responsibility in accordance with Chapter 601; and
- Include a certified abstract of the petitioner's complete driving record.

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HB 291 – Occupational Driver’s License Procedures (*Slide 6*)

Jurisdiction:

- If a court lacks jurisdiction over a petition filed under this section, the court shall dismiss the application.
- The court may hold a hearing to determine if the court has jurisdiction over the petition.
- If the petition is dismissed, the petitioner may submit a written request for reinstatement within 14 days of the dismissal, stating the reason the court has jurisdiction over the petition.

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HB 291 – Occupational Driver's License Procedures (*Slide 7*)

Costs and Forms:

- Clarifies that regular civil filing fee or Statement of Inability is required.
- If petition is dismissed for lack of jurisdiction, court shall refund the filing fee.
- The court may hold a hearing on a Statement of Inability, either at the time the Statement is filed or at the time of the hearing to determine the petitioner's essential need.
- If the court determines the petitioner is able to afford the filing fee, the court may not grant an occupational driver's license until the petitioner pays the fee.
- A court shall make the forms required for petitioning for an ODL and for the Statement of Inability available at no cost.

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HB 291 – Occupational Driver's License Procedures (*Slide 8*)

Hearing:

- A JP court may hold a hearing on the petition or may make a determination of essential need based on the petition. A hearing is never required in JP courts.
- If a hearing is held, a JP court can choose to give a hearing notice to a prosecutor, but this is never required in JP courts (hearing may be ex parte).
 - A prosecutor who gets a notice can offer evidence for or against granting the application.
- Hearing may be held using electronic or telephonic means.

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HB 291 – Occupational Driver’s License Procedures (*Slide 9*)

Granting or Denying Order:

- If the judge determines the applicant is eligible and has an essential need, the judge **shall** grant the ODL.
- If the judge determines not eligible or no essential need, they **shall** deny the ODL.
- Judge **may** deny ODL:
 - Based on evidence presented at a hearing by the attorney representing the state.
 - If no evidence of financial responsibility.
 - If the petitioner has been convicted more than once in the 10 years prior of a DWI offense.
 - If the petitioner’s previous ODL has been revoked under § 521.252 or § 521.253.
- An order granting or denying may not be appealed.

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HB 291 – Occupational Driver’s License Procedures (*Slide 10*)

New Order Requirements:

- Specify that the person may not operate a commercial motor vehicle.
- Specify that the person is required to attend alcohol dependence counseling, if applicable.
- Specify that the person is required to submit to supervision to ensure compliance with conditions of the order, if applicable.
 - People restricted to an IID may now be ordered to submit to supervision.
- A travel log may be required to be kept and shown to demonstrate compliance with restrictions.
- All delayed effective date provisions have been repealed.

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HB 291 – Occupational Driver's License Procedures (*Slide 11*)

Alcohol Counseling:

- Alcohol counseling requirement for Ch. 524 and 724 suspensions can now be waived on a showing of good cause.
- If the court finds that a person is not attending alcohol counseling as required, they can:
 - Revoke under Section 521.252; or
 - If they are not currently restricted to an IID, modify the order to include an IID requirement.

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HB 291 – Occupational Driver's License Procedures (*Slide 12*)

IID:

- Explicit now that an IID **shall** be required if there is a current order requiring it (but this can be waived if court finds the requirement is not necessary for the safety of the community and the waiver is in the best interest of justice).
- Judge **may** now also require IID even if no existing order (on a finding of good cause).
- If ordered, the IID must stay on all vehicles driven by the person for the duration of the suspension unless the § 521.246(e) work vehicle exception applies or good cause for removal and not necessary for safety.
- If the person violates their IID requirement, the court that issued the ODL must issue an order revoking it.

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HB 291 – Occupational Driver's License Procedures (*Slide 13*)

After Order is Entered:

- Court shall give a copy to the person and inform them that they must comply with any DPS requirements to get their ODL.
- Explicit now that an order may be modified without a hearing or fee at any time while the order is valid.
 - The issuance date of the order is not changed by a modification.
 - If the order is modified, the court shall deliver a certified copy to the person and to the department.

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HB 291 – Occupational Driver's License Procedures (*Slide 14*)

Conviction of § 521.253 (Violating Restriction or Not Having Court Order in Possession):

- Convicting court shall now:
 - Issue an order revoking the occupational driver's license; and
 - Deliver the revocation order to the person, the court that issued the order granting the occupational driver's license, and DPS.

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HB 291 – Occupational Driver's License Procedures (*Slide 15*)

Defense to Prosecution for Certain Offenses:

- Affirmative defense to prosecution under Sections 521.025 (license to be carried on demand) and 521.457 (DWLI):
 - The person has applied for and complied with the department's requirements for the issuance of an ODL;
 - They did so on or before the 10th day after the issuance of the court order, and;
 - DPS has not yet issued them the physical license.

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HB 291 – Occupational Driver's License Procedures (*Slide 16*)

- *Transportation Code § 601.332* - Suspensions for unpaid civil judgments related to car wrecks are now eligible for ODLs.
- *Transportation Code § 524.022(d) Repealed* - Gets rid of delays/prohibition on ODLs for minors with Ch. 524 suspensions and certain criminal histories. Now minors are treated the same as adults.

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HB 291 – Omni

Transportation Code § 706.005(a)

- Clarifies that a defendant must be released if one of the reasons for release is met and the Omni fee is either paid *or the defendant is found indigent/the fee is waived*.
- Tweaks one of the options for getting removed from Omni (if fee paid/waived): “other suitable arrangement to satisfy ~~pay~~ the fine and cost within the court's discretion.”

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HB 291 Scenario #1



- A defendant fails to satisfy a criminal judgment and you place them in Omni. When their license expires and they are unable to renew it, they file an application for an ODL in your court.
- Assuming the applicant is otherwise eligible and shows an essential need to drive, could the court issue an order granting an ODL?

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HB 291 Scenario #2

- The court holds a hearing on an application for an ODL and sends a notice to the prosecutor. The prosecutor attends and provides evidence that the defendant has had numerous traffic offenses and states that they do not support the granting of the ODL. The applicant is otherwise eligible and has demonstrated an essential need to drive and evidence of financial responsibility.
- Should the court grant or deny the application?
- What if no prosecutor attended, but the court had the same information from the applicant's driving record?

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HB 291 Scenario #3

Use your *Occupational Driver's License Procedure: Filing to Decision* flowchart (in your handouts) to answer the question.

- An applicant files an ODL in your court. Their license was suspended due to a DWI conviction. They have provided a certified abstract of their complete driving record and shown an essential need to drive and proof of financial responsibility.
- What should the court do? Which box on the spreadsheet has the answer?

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HB 291 Scenario #4



Use your *Occupational Driver's License Procedure: Contents of the Order* flowchart (in your handouts) to answer the question.

- Your court has entered an order granting an ODL for a person whose license was suspended due to having over a .08 blood alcohol content during a DWI stop. It is the first time they have been arrested for a DWI and there is no bond condition or other order currently in place restricting them to only drive vehicles equipped with an IID.
- What must and what may be included in the ODL order?

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Criminal

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Criminal Bill List

HB 3297 – Elimination of Safety Inspections

HB 898 – Improperly Passing Certain Vehicles

SB 904 – Parking for Individuals with Disabilities

HB 1633 – Parking for Veterans with Disabilities

HB 2195 – License Plate Offense

HB 4164 – Improper Use of Service Animal

HB 467 – FV Misdemeanor Assault SOL

HB 1603 – Appointment of Attorney for Prosecutor

HB 2251 – Computerized Case Management System

HB 4504 – Non-substantive Renumbering

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HB 3297 – Elimination of Safety Inspections

Transportation Code Ch. 548; Effective 1/1/25, Applies only to an offense committed on or after this date.

- Gets rid of general annual safety inspection requirement for non-CMV's.
- Emissions inspection is still required in counties where motor vehicle emissions inspection and maintenance program is in place under Ch. 548, Subchapter F.
 - Brazoria, Collin, Dallas, Denton, Ellis, El Paso, Fort Bend, Galveston, Harris, Johnson, Kaufman, Montgomery, Parker, Rockwall, Tarrant, Travis, Williamson
- Creates an inspection program replacement fee to recoup the money lost by eliminating the inspections.
- See Bill Chart Handout for full list of statutes affected (includes substantive and conforming changes)

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HB 898 – Improperly Passing Certain Vehicles (*Slide 1*)

*Transportation Code § 545.157(c) amended, (d-1)(d-2) added;
Applies only to an offense committed on or after 9/1/23.*

- More severe punishment options for not moving over/slowing down when passing stopped emergency, tow, and other specified vehicles:
 - \$500-\$1250
 - \$1k-\$2k if second or subsequent offense within 5 years of when most recent previous offense was committed
 - Class A if results in bodily injury to another
 - State jail felony if second or subsequent offense that results in bodily injury to another

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HB 898 – Improperly Passing Certain Vehicles (*Slide 2*)

- On conviction, court may now order DL suspension of up to 6 months if shown at trial that Defendant has been previously convicted under this section.
- Explicitly states that court can require community service if Defendant fails to pay/court determines they can't pay.

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HB 898 Scenario



- A defendant is convicted of improperly passing an emergency vehicle for a second time and the court orders their license to be suspended for 6 months.
- Would they be eligible for an ODL if they can show an essential need to drive?
- If so, what are their options for where they could file an application for an ODL?

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SB 904 – Parking for Individuals with Disabilities (*Slide 1*)

Transportation Code § 681.011(f-1),(f-2) added; Applies only to an offense committed on/after 9/1/23

- It is not a defense to prosecution for an offense under 681.011(a) or (b) (improperly parking in a spot designated for people with disabilities) that the parking space is not designated in compliance with the standards and specifications referred to in Section 681.009(b) if the parking space or area is *generally* in compliance with those standards and specifications and is clearly distinguishable as being designated specifically for persons with disabilities.

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SB 904 – Parking for Individuals with Disabilities (*Slide 2*)

- A peace officer may issue a warning but may not issue a citation for an offense under Subsection 681.011 (a) or (b) if the parking space does not have a parking space *identification sign* identifying the parking space in accordance with the requirements of the standards and specifications referred to in Section 681.009(b).



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HB 1633 – Parking for Veterans with Disabilities (*Slide 1*)

Transportation Code § 681.011(m),(n),(o) added; Applies only to an offense committed on/after 9/1/23

- Creates a less severe punishment structure for illegally parking in a parking spot designated for individuals with disabilities if the defendant does not have the necessary special license plate/placard to do so, but does have a special license plate for veterans with disabilities.
- (the veterans with disabilities license plate does not allow for parking in these spots unless it also has the symbol described by Transportation Code § 504.201(f)).



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HB 1633 – Parking for Veterans with Disabilities (*Slide 2*)

- Creates a compliance dismissal if the defendant has not been previously convicted or received a previous dismissal and they submit an application for a specialty license plate that includes the symbol described by § 504.201(f) within six months after the date they were charged with the offense.



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HB 2195 – License Plate Offense

Transportation Code § 504.945(a),(b),(f); Applies only to an offense committed on/after 9/1/23

- Offense of having a coating, covering, protective substance, or other material that alters, covers, or obscures the letters or numbers of the license plate number or the color of the plate.
- More severe punishment structure:
 - Fine of not more than \$300.
 - Fine of not more than \$600 if it is shown at trial that the person has been previously convicted of this offense.
 - Class B misdemeanor if it is shown at trial that the person has been previously convicted two or more times of this offense.

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HB 4164 – Improper Use of Service Animal

Human Resources Code § 121.006; Applies only to an offense committed on/after 9/1/23.

- Changes the elements and fine range for Improper Use of Assistance and Service Animals offense.
- *New language:* A person commits an offense if the person intentionally or knowingly represents that an animal is an assistance animal or a service animal when the animal is not specially trained or equipped to help a person with a disability. An offense under this subsection is a misdemeanor punishable by
 - a fine of not more than \$1,000; and
 - 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year.

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HB 4164 Question



True or False: A court should require all parties with a service animal to provide proof that the service animal is legitimate before allowing the party to enter the courtroom.

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HB 467 – FV Misdemeanor Assault SOL

CCP Art. 12.02; Does not apply to an offense if the prosecution of that offense becomes barred by limitation before 9/1/23.

- Misdemeanor assault under Penal Code § 22.01 now has a statute of limitations of 3 years instead of 2 years if the offense was committed against a person whose relationship to/association with the defendant is described by:
 - Family Code § 71.0021(b) (dating relationship),
 - Family Code § 71.003 (family), or
 - Family Code § 71.005 (same household).

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HB 1603 – Appointment of Attorney for Prosecutor

CCP 45.031; Applies only to a trial that begins on or after 9/1/23, regardless of when the alleged offense was committed.

- If the prosecutor is not present, the court can postpone, appoint, or proceed. The appointment option has changed:
 - the justice or judge may ... appoint **any competent attorney** as an attorney pro tem [~~as provided by this code~~] to represent the state, notwithstanding Article 2.07...
 - *Previously had to be a prosecutor from a county/district attorney's office or an assistant attorney general (pursuant to Art. 2.07).*
- Also added: an appointed attorney is "qualified to perform the duties of the office of the attorney representing the state and may be paid a reasonable fee for performing those duties."

70

HB 2251 – Computerized Case Management System

CCP Art. 103.009(e) added

- An officer who has been provided a computerized case and financial management system by the county shall maintain the fee record required by 103.009(a) in that system.
- The court shall provide the complete computerized fee record in hard-copy form for purposes of satisfying the requirements of Art. 103.001(a) (which says that a cost is not payable until a written bill is produced/ready to be produced and signed).

71

HB 4504 – Non-substantive Renumbering

Effective 1/1/25

- Non-substantive changes to the *Code of Criminal Procedure*, but citations will change:
 - Parts of Chapter 2 – now 2A and 2B
 - Chapter 13 – now 13A
 - Chapter 45 – now 45A
 - Chapter 55 – now 55A
- Also numerous changes throughout various codes to conform references to the new numbers.

72

HB 4504 Question



If the changes are non-substantive, why does this matter for courts?

73

Juvenile/Minor

74

Juvenile/ Minor

Bill List

HB 3186 – Juvenile Diversion Program

HB 4417/5183 – Alcohol Awareness Courses

SB 1725 – Expunction of Alcohol Offenses

HB 3917 – Parent Contributing to Nonattendance

HB 1212 – Excused Absences for Religious Holy Days

75

HB 3186 – Juvenile Diversion Program (*Slide 1*)

CCP Ch. 45, Subchapter E added: Youth Diversion; Effective 1/1/24, Applies only to an offense committed on or after 1/1/25

- This subchapter applies only to a child (under 17 at time of offense) who is alleged to have engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense.
- A child **shall** be diverted from formal criminal prosecution if eligible, except:
 - Only once every 365 days.
 - Not if they have had an unsuccessful diversion already under this subchapter.
 - Not if objected to by the attorney representing the state.
 - Must have written consent of the child and the child's parent.

76

HB 3186 – Juvenile Diversion Program (*Slide 2*)

- Written diversion agreement required with the details of the diversion.
 - Can require child to participate in a variety of programs (educational, rehabilitative, teen court, drug testing, etc.).
 - Various options for referring the child to a provider for services.
 - Can require restitution and community service as applicable.
- Depending on the circumstances, diversion can take place prior to a charge being filed, after a charge is filed but before a plea is entered, or after a finding of guilt at trial.
- The statute of limitations is tolled during this process if diversion happens prior to filing.

77

HB 3186 – Juvenile Diversion Program (*Slide 3*)

- If a child appears not to have successfully completed the diversion, the court must hold a hearing.
- Options at the hearing include:
 - Extending the diversion period.
 - Determining the diversion to be successful or unsuccessful.
- Unsuccessful diversions may be referred to the juvenile court or to the prosecutor for criminal filing.

78

HB 3186 – Juvenile Diversion Program (*Slide 4*)

- Court may collect from a child's parent a \$50 administrative fee to defray the costs if this is an accepted term in the diversion agreement.
 - Waived if indigent, and diversion may not be contingent on payment of a fee.
- Other than statistical records, all records are confidential under CCP Art. 45.0217.
- All records shall be expunged without the requirement of a motion or request, on the child's 18th birthday.

79

HB 3186 – Juvenile Diversion Program (*Slide 5*)

- Not later than January 1, 2025, each justice and municipal court shall implement a youth diversion plan under Subchapter E, Chapter 45, Code of Criminal Procedure, as added by this Act.
- The court can designate a youth diversion coordinator to assist in running the youth diversion program.
 - The bill specifies various individuals and entities who can perform the duties prescribed for that position (including an existing juvenile case manager) as well as the funding that may be used to fill the position.

80

HB 3186 – Juvenile Diversion Program (*Slide 6*)

LGC § 133.102(e), 133.125, 134.103(b), 134.156; CCP Art. 102.0171

- “Truancy prevention and diversion” account/fund is changed to “youth diversion” account/fund; information added on how money can be spent (for juvenile case managers and programs designed to prevent/reduce juvenile referrals to court).
- JP and municipal courts added to the list of courts that must assess a \$50 fine on conviction of Penal Code § 28.08 (graffiti).
 - This money is to be placed in the County Juvenile Delinquency Prevention Fund; and “provide funding for youth diversion under subchapter E, Chapter 45” has been added to the list of what the fund can be used for.

81

HB 3186 – Juvenile Diversion Program (*Slide 7*)

CCP Art. 45.041

- (a-2) added to require the court to make diversion an option (up to child/parent) if the child is found guilty at trial and is eligible for diversion under CCP Art. 45.304.
- (b-3) amended to say: if diversion is not required, judge ~~may~~ shall allow a defendant who is a child to elect to discharge fine/costs with community service or tutoring, or pay the fine/costs now, later, or on a payment plan.

82

HB 3186 – Juvenile Diversion Program (*Slide 8*)

Government Code § 22.1105(a)

- In every year that ends in a 0 or 5, JPs must complete education related to youth diversion and understanding relevant issues of child welfare, including issues related to mental health and children with disabilities.

83

HB 3186 – Juvenile Diversion Program (*Slide 9*)

- For more details regarding this bill and all of the specific procedures for the Juvenile Diversion Program, please refer to TJCTC's *Juvenile Deskbook*, which will be updated with this information in the fall.
- You can also refer to the text of the bill itself.
- There will also be a webinar on this topic in the fall.

84

HB 3186 Scenario



- A juvenile is eligible for diversion, but the judge thinks they don't have a good attitude and doesn't believe they are sincere about following the requirements.
- What should the judge do?

85

HB 4417/5183 – Alcohol Awareness Courses

ABC § 106.115(a),(a-1); Effective 6/11/23

- a "drug and alcohol driving awareness program under Section 1001.103, Education Code" is deleted from the options of what a court can order for an alcohol awareness program.
 - 1001.103 was repealed in the 2021 session, but the repeal didn't go into effect until 6/1/23.
 - This just conforms the current language to that repeal, but the 1001.103 course shall continue in place until DPS determines that everyone subject to a court order entered before 6/1/23 has had adequate time to complete any courses ordered under that section (as per SB 1560 of the 2021 session).

86

HB 4417 – Alcohol Awareness Courses

ABC § 106.115(b-1) amended, (b-3) repealed; Effective 6/11/23

- Before, online courses could be allowed “**if** TDLR approves online courses.”
 - Now, may allow online courses “approved by TDLR.”
- Before, court could allow community service related to alcohol abuse prevention or treatment in lieu of a class, but the community service had to be approved by TDLR.
 - Now, community service in lieu of a course can still be ordered, but the requirement for TDLR approval has been removed (as has the mandate that TDLR create a list of community services related to alcohol abuse prevention or treatment in each county).

87

SB 1725 – Expunction of Alcohol Offenses

ABC § 106.12(d),(e); Applies to the expunction of records of a conviction or arrest made before, on, or after 9/1/23.

- Before, a defendant was only eligible for expunction if there was only one violation of the Alcoholic Beverage Code.
- Now, if the event leading to a violation of the code included multiple violations during that event, all violations from the event are eligible.

88

HB 3917 – Parent Contributing to Nonattendance (*Slide 1*)

CCP Art. 45.0531; Applies only to an offense committed on or after 9/1/23

- Notwithstanding any other law, a county, justice, or municipal court **shall** dismiss a parent contributing to nonattendance case if the parent timely completes the terms of an agreement entered into with the school district under Education Code 25.094.
- If agreed to by the school district, the court may extend the time during which a parent may fulfill the terms of the agreement.

89

HB 3917 – Parent Contributing to Nonattendance (*Slide 2*)

Education Code § 25.094 added

- Provides details about the parent-school agreement mentioned on the previous slide (including rules and materials that the Texas Education Agency may adopt for school districts).
- Agreement requires the parent to complete counseling, training, or another program as designated by the school district.
- Deadline: not later than the 30th day after the date on which the complaint was filed or within the period provided by the agreement.

90

HB 1212 – Excused Absences for Religious Holy Days

Education Code § 25.087(f) added; Applies beginning 2023/2024 school year

- For purposes of excusing a student from attending school to observe a religious holy day, a school district:
 - may not require documentation from a clergy member or other religious leader; and
 - shall accept a note from the student's parent or person standing in parental relation verifying the purpose of the student's absence.

91

HB 1212 Question



What are two ways this could come up in a justice court?

92

Magistration

93

Magistration

Bill List

HB 1712 – Orders Signed by a Magistrate

HB 1163 – Boating While Intoxicated w/ Child Passenger

SB 1004 – Electronic Monitoring Device

HB 2715 – Prohibited Actions in Bond Conditions & EPOs

SB 48 – EPO Form, Materials, and Study

HB 767 – Reporting Bond Condition Information

HB 3698 – Protective Order Registry

SB 2479 – Mental Health Procedures at the Jail

SB 2479 – EDOs

SB 1624 – EDOs

94

HB 1712 – Orders Signed by a Magistrate

CCP Art. 2.101 added; Applies to a signed order issued by a magistrate on/after 9/1/23

- Any signed orders issued by a magistrate under the CCP or pertaining to a criminal matter and issued under another code must include with the magistrate's signature, the magistrate's name in legible handwriting, legible typewritten form, or legible stamp print.
- Failure to do this does not affect the validity of an order, but a defendant in a criminal action can make a motion to have the name added if the order is relevant to the action and the defendant is unable to identify the magistrate who signed the order.
- The Supreme Court may adopt rules to implement this article.

95

HB 1163 – Boating While Intoxicated w/ Child Passenger

Penal Code § 49.061: Adds Boating While Intoxicated w/ Child Passenger offense.

- *ABC § 106.41(g)*: DUI Minor under ABC 106.41(g) is not lesser included (same as other DWI offenses).
- *CCP Art. 16.23*: Added to exception to statute that law enforcement should make good faith effort to divert people suffering a mental health crisis/substance abuse.
- *CCP Art. 17.441(a)*: Added to list of offenses where ordering an Ignition Interlock Device as a bond condition is required.
- *CCP Art. 18.01(j), 18.067*: Added to list of offenses where blood warrants can be issued by any attorney magistrates and to statutes about executing blood warrants.

96

SB 1004 – Electronic Monitoring Device

Penal Code § 38.112

- New state jail felony offense added if a person removes/tampers with an electronic monitoring device that they are ordered to have (which could be ordered as a bond condition).
- So they could get a new criminal case, but there could also still be consequences with the bond in their existing case (revocation/modification).

97

HB 2715 – Prohibited Actions in Bond Conditions & EPOs *(Slide 1)*

CCP Art. 17.49(b); Applies only to a defendant released on bond in connection with an offense committed on/after 9/1/23

- Adds to bond condition options when defendant is charged with an offense involving family violence and committed on/after effective date:
 - Refrain from tracking or monitoring personal property or a motor vehicle in the possession of the alleged victim of the offense, without the victim's effective consent, including by:
 - using a tracking application on a personal electronic device in the possession of the victim or using a tracking device; or
 - physically following the victim or causing another to physically follow the victim.

98

HB 2715 – Prohibited Actions in Bond Conditions & EPOs *(Slide 2)*

CCP Art. 17.292(c); Applies only to an EPO entered on/after 9/1/23

- Adds to prohibited actions magistrate may order in an EPO that is entered on/after effective date:
 - tracking or monitoring personal property or a motor vehicle in the possession of the person protected under the order or of a member of the family or household of the person protected under the order, without the protected person's effective consent, including by:
 - using a tracking application on a personal electronic device in the possession of the person or the family/household member or using a tracking device; or
 - physically following the person or the family/household member or causing another to physically follow the person or member.

99

SB 48 – EPO Form, Materials, and Study

CCP Art. 17.292(d-1),(d-2), Government Code § 72.039 added; Effective 6/18/23, Applies to EPOs issued on or after 6/1/24.

- Magistrate shall use standardized EPO form created by OCA. But failure to do so does not affect the validity or enforceability of the order.
- Details about forms and materials that OCA has to create by 6/1/24 (if done before, they have to notify every clerk, judge, magistrate, and prosecution agency).
 - Must include a procedure to ensure that a copy of the EPO is transmitted to all required parties and all relevant info is entered into all required databases.
- OCA has to do a study/report by 9/1/24 on the effectiveness of POs and legislative recs on methods to improve enforcement.

100

HB 767 – Reporting Bond Condition Information

CCP Art. 17.50; Applies only to a condition of bond imposed on/after 9/1/23

- The reporting of bond condition information and entry of that information into TCIC is already required for violent offenses.
- This reporting requirement is now also required for stalking (Penal Code § 42.072).

101

HB 3698 – Protective Order Registry

Government Code § 72.154(a), 72.155

- PO registry maintained by OCA must now also be searchable by any known common misspellings of the name and any known aliases of a subject of a PO.
- Adds magistrates to the list of ppl who can access certain restricted info on the PO registry (ex: applications, vacated orders, EPOs).

102

SB 2479 – Mental Health Procedures at the Jail (*Slide 1*)

CCP Art. 16.22 (a)

- Notice from sheriff that a person may have a mental illness or intellectual disability is now required for all offenses, not just Class B offenses or higher.
- And the magistrate may, but is not required to order the interview/collection of information by a mental health or intellectual and developmental disability expert if the defendant was only arrested or charged with a Class C.

103

SB 2479 Question



- What are factors that would make you choose to order the interview/collection for a defendant charged with a Class C?
- What might make you decide it isn't necessary?

104

SB 2479 – Mental Health Procedures at the Jail (*Slide 2*)

CCP Art. 16.22 (b-2),(d)

- A report is only required to state whether a complete competency exam is warranted if the defendant is charged with a felony or with a misdemeanor punishable by confinement.

105

SB 2479 – Mental Health Procedures at the Jail (*Slide 3*)

CCP Art. 17.03(b-2)

- “except as provided by Art. 17.032” language added.
 - If charged with a violent offense listed under 17.03 that is not listed in 17.032, now eligible for release under 17.032 (if all other requirements met), when would have been prohibited before.
 - If Art. 17.03(b-2)(2) applies, now eligible for release under 17.032 (if all other requirements met), when would have been prohibited before.
 - 17.032(b-2)(2)= while released on bail or community supervision for an offense involving violence, defendant is charged with a felony, assault bodily injury, deadly conduct, terroristic threat, or disorderly conduct involving firearm.

106

SB 2479 – EDOs

HSC § 573.012(d-1),(h)

- A peace officer doing the transport:
 - is not required to remain at the facility while the person is screened/treated/having insurance verified; and
 - may leave immediately after the person is taken into custody by the facility staff and the peace officer has provided the required documentation.
- Adds "or a licensed mental health professional employed by a local mental health authority" to who can submit an EDO app electronically (along with "physician").

107

SB 1624 – EDOs

HSC § 573.012(e),(h),(h-2),(h-3); Applies to an EDO that begins on/after 9/1/23.

- Shall (instead of may) allow electronic application from physician.
- A facility may detain a person who is physically located in the facility to perform a preliminary examination under HSC § 573.021 if:
 - The magistrate transmits an EDO to the facility under § 573.012(h-1) for the detention of the person; and
 - The person is not already under an order under Chapter 573 or 574.
- OCA shall (as soon as practicable) develop and implement a process for an applicant to electronically present the application under § 573.012(h) and for a judge or magistrate to electronically transmit a warrant under § 573.012(h-1).

108

Inquests

109

Inquests

Bill List

HB 2616 – Emergency Lights for JP Vehicles

HB 3474 – Inquests by Videoconference

HB 760 – Ordering Blood Specimens

HB 6 – Fentanyl & Death Certificates

HB 3161 – Unidentified Bodies

HB 3161 – Disposition of Remains

110

HB 2616 – Emergency Lights for JP Vehicles (Slide 1)

Transportation Code § 545.156, 547.752

- JPs may now use emergency lights on their vehicle when:
 - Operating a vehicle in the course and scope of the justice's duties relating to an inquest; and
 - The lights are necessary to warn other vehicle operators or pedestrians of the approach of the JP vehicle.
- Other vehicles must yield/pull over just as they would with any emergency vehicle.

111

HB 2616 – Emergency Lights for JP Vehicles (Slide 2)

- The lights may be either:
 - A set up that complies with Transportation Code § 547.702(c) – mounted lights as high and as widely spaced laterally as practicable that display four alternately flashing red lights (two located on the front at the same level and two located on the rear at the same level) and emit a light visible at a distance of 500 feet in normal sunlight; **or**
 - A signal lamp that is temporarily attached to the vehicle roof and flashes red and blue lights visible at a distance of at least 500 feet in normal sunlight.

112

HB 3474 – Inquests by Videoconference

CCP Art. 49.05(b)

- An inquest can be conducted by videoconference with an individual who is:
 - Designated by the JP; and
 - Present with the body for a death described by CCP Art. 49.04(a)(6) or (7) (person dies without having been attended by a physician or the physician is unable to certify/requests the JP to do the inquest)

113

HB 760 – Ordering Blood Specimens

CCP Art. 49.10(j)

- A justice of the peace may order a physician, qualified technician, paramedic, chemist, registered professional nurse, or licensed vocational nurse to take a specimen of blood from the body of a person:
 - who died as the result of a motor vehicle accident if the justice determines that circumstances indicate that the person may have been driving while intoxicated; or
 - to aid in the confirmation or determination of the cause and manner of death while conducting an inquest.

114

HB 6 – Fentanyl & Death Certificates

HSC § 193.005; Applies only to a death that occurs on/after 9/1/23, or that occurs before that date but is discovered on/after 9/1/23

- Death certificate must include “fentanyl poisoning” or “fentanyl toxicity” if:
 - a toxicology examination reveals a controlled substance listed in Penalty Group 1-B present in the body in an amount/concentration that is considered to be lethal by generally accepted scientific standards; and
 - the results of an autopsy are consistent with an opioid overdose as the cause of death.
- Penalty Group 1-B is found in HSC § 481.1022, and currently includes fentanyl, alpha-methylfentanyl, and any other derivative of fentanyl.

115

HB 3161 – Unidentified Bodies

CCP Art. 49.01, 49.04(a); Applies only to a death investigation that begins on/after 9/1/23

- Clarifies that the definitions in 49.01 apply to the whole chapter.
- New definition for when a body is considered unidentified:
 - The deceased person's legal name is unknown; and
 - There is no known person with the duty to inter the deceased person's remains under Section 711.002(a), Health and Safety Code.
- Before, CCP 49.04(a)(3) stated that an inquest shall be conducted if an unidentified body/body part is found and the cause or circumstances of death are unknown. Now, states that an inquest shall be conducted if an unidentified body/body part is found, regardless of whether the cause or circumstances of death are known.

116

HB 3161 – Disposition of Remains

HSC § 711.002(l)

- A person who would otherwise be eligible to control the disposition of remains, may not do so if:
 - In connection with the decedent's death, the person ***has been arrested or an arrest warrant has been issued for the person*** for a crime under Penal Code Ch. 19 (Criminal Homicide), that involves family violence against the decedent. ***(The law used to be that an indictment had to be filed).***
 - ***New restriction:*** The decedent had filed an application for a protective order or an order has been issued against the person under CCP Chapter 7B, Subchapter A, CCP Art. 17.292, Family Code § 6.504, or Family Code Title 4, Subtitle B.

117

HB 3161 Question



- Why do you think these additional restriction were added? Why is it important to make sure this law is followed?

118

Other

119

Other

Bill List

HB 3474 - Jurors

HB 3474 – Interpreter Certification

HB 3474/SB 380 – Interpreter Costs

SB 372 – Confidentiality of Judicial Work Product

HB 2559 – Authorization to Administer Oaths

HB 907 – Authorization to Conduct Marriages

HB 4183 – 72-Hour Waiting Period Waiver for Marriages

HB 841/1182 – Judicial Council Gathering Case Data

120

HB 3474 – Jurors (*Slide 1*)

Government Code § 61.001(a), 61.0015(a), 61.003(a),(b), 62.0131(b),(c), 62.0132(c),(d)

- Changes to juror compensation amount and state reimbursement to county.
- Slight changes to process for donating jury pay.
- Changes to requirements for OCA model for uniform written jury summons.
- Changes to juror questionnaire requirements, including requiring the juror to provide any electronic address that they have.

121

HB 3474 – Jurors (*Slide 2*)

Government Code § 62.013, 62.015, 62.411(a), 62.412(c)

- Justice court clerks are added to the list of who can send initial juror summons and who can be ordered by the judge to summon additional jurors for a panel when there aren't enough.
- The Supreme Court is already in the process of updating the TRCP accordingly.

122

HB 3474 – Jurors (Slide 3)

Government Code § 62.115 added

- The court must maintain a list of the name and address of anyone convicted of misdemeanor theft.
- This list should be provided to the district clerk, who may remove that person from the jury wheel and will also report the disqualification to the Secretary of State.
- These people will be permanently disqualified from jury service.

123

HB 3474 – Jurors (Slide 4)

Government Code § 62.106(a), 62.107(c), 62.108; Applies only to an exemption from jury service for a person who is summoned to appear for service on/after 9/1/23.

- Exemption from jury service if a person is over 70 years of age is changed to if they are over 75 years of age.
- Note that this exemption has to be claimed and isn't automatic.

124

HB 3474 – Interpreter Certification (*Slide 1*)

Government Code § 57.001(1)

- "Certified court interpreter" means an individual who is a qualified interpreter as defined in Article 38.31, Code of Criminal Procedure, or Section 21.003, Civil Practice and Remedies Code, or is qualified in accordance with the communication access realtime translation services eligibility requirements established by the Office of Deaf and Hard of Hearing Services of the Health and Human Services Commission, [certified under Subchapter B by the Department of Assistive and Rehabilitative Services] to interpret court proceedings for a hearing-impaired individual.

125

HB 3474 – Interpreter Certification (*Slide 2*)

Government Code § 57.001(9)

- "Certified CART provider" means an individual who holds a certification to provide communication access realtime translation services at an advanced or master level, including:
 - A) a level I through level V certificate of competency issued by the Texas Court Reporters Association;
 - (B) a certified realtime reporter, certified realtime captioner, or other equivalent certified CART provider certificate of competency issued by the National Court Reporters Association; or
 - (C) a certificate of competency issued by another certification association selected by the department.

126

HB 3474/SB 380 – Interpreter Costs

Government Code § 57.002(g),(h),(i); Effective 5/23/23, Applies to an action pending or filed on/after this date.

- A party who files a Statement of Inability to Afford Payment of Court Costs under TRCP 145 (that has not been successfully contested) does not have to provide an interpreter at their own expense or pay the costs of an appointed interpreter.
 - Rule 145 doesn't apply to Justice Courts (where the Statement of Inability is filed under TRCP 502.3), but TJCTC still recommends that justice courts follow this law as well.
 - Bill includes clarification that it is not intended to apply to interpreter services or other auxiliary aids for individuals who are deaf, hard of hearing, or have communication disabilities, which shall be provided to **all** of those individuals free of charge pursuant to federal and state laws.

127

General Note About Interpreter Costs

- While state law would suggest that spoken language interpreters do not have to be provided for free to individuals who are not indigent, all interpreters really should be provided at no cost for **all** people who need them in both civil and criminal cases.
 - U.S. DOJ has issued a letter outlining the reasons for this, citing multiple U.S. Constitutional Amendments and Title VI of the Civil Rights Act.
 - <https://www.justice.gov/opa/press-release/file/1580546/download#page=19>
 - There are potential liability concerns for counties when there are barriers to interpreter services.
 - In 2021, Fort Bend County agreed to implement policies consistent with the DOJ letter to resolve a Justice Department Civil Rights Division complaint.
- For more information, see TJCTC's "Interpreters & Spanish Language Terminology" self-paced module (available by Sep 2023): <https://www.tjctc.org/onlinelearning/selfpacedmodules.html>.

128

SB 372 – Confidentiality of Judicial Work Product (*Slide 1*)

Government Code § 21.013 added

- Establishes confidentiality of “non-public judicial work product”
 - Any written or electronic judicial work product other than documents filed with the clerk of a court for release to the public; or
 - Any oral statement relating to judicial work product made in a closed session of a court or in judicial chambers.
- Definition of “judicial work product”:
 - written, electronic, or oral material prepared or communications made in the course of an adjudicatory proceeding before a court determining legal rights, powers, duties, or privileges. The term includes all drafts of opinions or orders and memoranda of law.

129

SB 372 – Confidentiality of Judicial Work Product (*Slide 2*)

- As soon as practicable after the effective date of this Act, the Supreme Court shall adopt any rules necessary to implement.
- Judges shall comply with the rules and court personnel involved in crafting an opinion/decision for an adjudicatory proceeding shall maintain confidentiality in accordance with the rules.

130

SB 372 – Confidentiality of Judicial Work Product (*Slide 3*)

- A person, other than a justice or judge, with access to non-public judicial work product commits a Class A misdemeanor if they knowingly disclose all or part of the contents to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, employee of the Texas Judicial Council or OCA, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding.
- It is a defense to prosecution if the disclosure was authorized:
 - in writing by the justice or judge for whom the work product is prepared; or
 - under Supreme Court rules.

131

HB 2559 – Authorization to Administer Oaths

Government Code § 602.002

- Adds retired JPs to the list of people who can administer oaths in TX.

132

HB 907 – Authorization to Conduct Marriages

Family Code § 2.202(a),(b)

- Now any former or retired JP can conduct marriages.
- Requirement removed that in order to conduct marriages, retired judges have to be vested in judicial retirement system or have an aggregate of at least 12 years as a judge/justice.

133

HB 4183 – 72-Hour Waiting Period Waiver for Marriages

Family Code § 2.204(c); Applies only to a marriage ceremony for which a marriage license application is filed on/after 9/1/23

- JPs can now issue a waiver of the 72-hour waiting period between marriage license issuance and marriage.
 - If the JP finds that there is good cause for the marriage to take place during the period, the judge shall sign the waiver.

134

HB 841/1182 – Judicial Council Gathering Case Data

Government Code § 71.035(a),(a-1),(a-2),(a-3)

- The Texas Judicial Council shall gather monthly court activity statistics and case-level information on the amount and character of the business transacted by each trial court in the state.
- As soon as practicable after the effective date of this Act, the Texas Judicial Council shall adopt any rules necessary to implement it.
- At this time, OCA **does not** believe this applies to justice courts. We will let everyone know if that changes.

135

Reminders

(Now Effective from Last Session & Recent Rule Changes)

136

Reminders

Bill/Rule List

*(Now Effective
from Last Session
& Recent Rule
Changes)*

HB 1560 – 2021 Session: DSC Courses

TRCP (multiple rules) – Civil Judgments, Garnishments, Receivers, and Exempt Property Protections

TRCP 3a – Local Rules, Forms, and Standing Orders

TRCP 500.10 – Virtual Appearance

TRCP 501.4(b) – Notice of Court Proceedings

TRCP 505.1(c)(5) – Appeal Language

137

Reminders Question



- Who saw TJCTC's announcements about the Rule changes when they came out?
- Where did you see them and where can you look now if you want to read the Supreme Court orders?

138

HB 1560 – 2021 Session: DSC Courses – Young Drivers Course

CCP Art. 45.051(b-1), repealed: Education Code § 1001.111; Applies to a court order entered on or after 6/1/23

- Before, if someone under 25 was given deferred for a moving violation traffic offense, the judge was required to order a driving safety course and could also choose to order an additional course designed for younger drivers.
- The mandatory course is still in place, but the option to order an additional course was removed.

Note: the course shall continue in place until DPS determines that everyone subject to a court order entered before 6/1/23 has had adequate time to complete any ordered courses.

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HB 1560 – 2021 Session: DSC Courses – Safety Seat and Seat Belt Course (*Slide 1*)

Repealed: CCP Art. 45.0511(u), Transportation Code § 545.412(g) & 545.413(i); Effective 6/1/23

- The requirement for defendants doing DSC dismissal who are charged with a child safety seat or seatbelt offense under Transportation Code 545.412 or 545.413 to be ordered to take a specialized child safety seat/seat belt DSC (instead of the regular DSC) was removed.
- The provision was also removed that would make defendants charged with an offense under 545.412 eligible for mandatory DSC as long as they haven't taken the **specialized** course in the past 12 months.

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HB 1560 – 2021 Session: DSC Courses – Safety Seat and Seat Belt Course (*Slide 2*)

- Now, these offenses are treated like any other traffic offenses as far as DSC is concerned.

Note: the specialized courses shall continue in place until DPS determines that everyone subject to a court order entered before 6/1/23 has had adequate time to complete any ordered courses.

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HB 1560 – 2021 Session: DSC Courses – Information from TDLR (*Slide 1*)

- *Effective June 5, 2023*, Driving Safety Providers are required to use the new driving safety certificate of completion template, which does not list the driving safety school or instructor and includes the new TDLR logo.
- Changes to the TDLR Driver Education & Safety webpage (<https://www.tdlr.texas.gov/driver/driver.htm>):
 - To search for an approved Driving Safety Provider on the Driver Education & Safety Webpage, you now click on the “License Search” tab on the right-hand side.
 - To validate a driving safety certificate:
 1. Click on the Driving Safety tab on the right-hand side.
 2. Click on “Validate a Course Completion.”

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HB 1560 – 2021 Session: DSC Courses – Information from TDLR (*Slide 2*)

- If you have questions, need help navigating the website, or need a copy of the revised driving safety template, you can contact TDLR using the online form here:
- <https://ga.tdlr.texas.gov:1443/form/education>.

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TRCP (multiple rules) – CIVIL Judgments, Garnishments, Receivers, and Exempt Property Protections

*TRCP Rules 503, 505, 508, 509, 510, 663a, 664a amended, 679a, 679b added;
Effective May 1, 2022*

- Notices and specific wording required to provide defendants information regarding their rights related to enforcement of judgments and how to access resources/get help. See the rules for the exact verbiage.
- Procedures for protecting exempt property, including suspension period before seized property can be sold and procedures for requesting and holding hearings to determine if seized property is exempt.
- New required forms promulgated by the Supreme Court of Texas:
 - Notice of Protected Property Rights
 - Instructions for Protected Property Claim Form
 - Protected Property Claim Form
 - Order Appointing Receiver (must be used unless good cause shown in a written order)

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TRCP 3a – Local Rules, Forms, and Standing Orders

Effective Jan. 1, 2023

- Removed the requirement that the Supreme Court approve local rules.
- Local rules, forms, and standing orders must not conflict with other law or rules.
- Local rules, forms, and standing orders are not effective unless published on OCA's website.
- OCA website with information, instructions, and where the rules/forms/orders are posted and can be viewed:
<https://www.txcourts.gov/rules-forms/local-rules-forms-and-standing-orders/>
- OCA presentation on the system:
<https://www.txcourts.gov/media/1455246/local-rules-forms-and-standing-orders-presentation.pdf>

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TRCP 500.10 – Virtual Appearance

Effective Feb. 1, 2023

- Gives guidance to courts in remote court proceedings in justice court civil cases.
- Allows judges to decide whether to allow or require participants to appear remotely in court proceedings.
- Requires judges holding remote proceedings to still be located in their courtroom or other place provided by the commissioners court for holding court.
- The court must provide the public the opportunity to observe the court proceeding, unless the judge has determined that the proceeding must be closed to protect an overriding interest, considered all less-restrictive alternatives to closure, and made findings in a written order adequate to support closure.

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TRCP 501.4(b) – Notice of Court Proceedings

Effective Feb. 1, 2023

- Timing. If a document is served by mail, 3 days will be added to the length of time a party has to respond to the document. Notice of any hearing court proceeding requested by a party must be served on all other parties not less than 3 days before the time specified for the hearing court proceeding.
- TRCP 500.2(g): “Court proceeding” is an appearance before the court, such as a hearing or a trial.

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TRCP 505.1(c)(5) – Appeal Language

Effective Feb. 1, 2023

- Requires judgments in civil cases to contain specific provided language (depending on case type) related to the parties' right to appeal:
 - In an eviction case
 - In a repair and remedy case
 - In a case other than an eviction or repair and remedy case
- Refer to the rule for the exact verbiage.

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Questions?