

Legislative Updates 2025 Session

Texas Justice Court Training Center

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Intro

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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/>
 - 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 9/1/25 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.

Unless otherwise stated, changes related to criminal offenses apply only to an offense that occurred on/after the effective date (and an offense occurred before the effective date if any element of the offense occurred before).

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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Note About Special Sessions

Special Sessions are ongoing, and we will provide updates regarding any relevant bills that pass.

Be sure we have your right email and check our website frequently.

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Abbreviations

| | |
|----------|--|
| COA | Cause of Action |
| HB | House Bill |
| SB | Senate Bill |
| OCA | Office of Court Administration |
| PSR/PSRS | Public Safety Report/Public Safety Report System |
| FV | Family Violence |
| EPO | Emergency Protective Order |
| CCP | Code of Criminal Procedure |
| CPRC | Civil Practice and Remedies Code |
| HSC | Health and Safety Code |
| LGC | Local Government Code |
| PWC | Parks and Wildlife Code |

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Reminders

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Reminders

*(from before
this session)*

Open Court During Magistration

Juvenile Diversion Plans

Confidentiality Plan

EPO Forms

CCP Renumbering

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Open Court During Magistration

- The Fifth Circuit Court of Appeals held in *Texas Tribune v. Caldwell County* that a closed magistration hearing violates the First Amendment.
- While there may be some exceptions, magistration proceedings must generally be open to the public.
- Having the public physically present is often not logistically feasible, but there are many other ways to comply with this requirement. One example is to stream the proceedings via Zoom and YouTube.
- Because your county attorney would represent you in any litigation, it's important that you seek their advice on this important issue.
- For more information, see TJCTC's blog post on the topic:
<https://docket.wp.txstate.edu/2024/12/05/tjctc-updates-12-5-2024/>

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Juvenile Diversion Plans

- HB 3186 – 2023 Legislative Session
- Not later than **January 1, 2025**, each justice and municipal court should have implemented a youth diversion plan.
- If your court does not have a plan, get one in place ASAP! Here are some helpful resources:
 - Ch. 3A of TJCTC's Juvenile Deskbook: <https://www.tjctc.org/tjctc-resources/deskbooks.html>
 - TJCTC's *Juvenile Criminal Diversion* self-paced module:
<https://www.tjctc.org/onlinelearning/selfpacedmodules.html>

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Confidentiality Plan

- In February 2024, as required by the SB 372 from the 2023 Legislative Session, the Texas Supreme Court modified Rule of Judicial Administration 7.1 to require all courts, including justice courts, to implement a confidentiality policy.
- The policy must be provided to existing employees at least biannually (every two years), and all new employees must be trained on the policy before performing any substantive work.
- Courts should have implemented this policy no later than **May 1, 2024**.
- TJCTC's sample policy can be found under the General Officeholding and Miscellaneous Forms section on TJCTC's Forms webpage: <https://www.tjctc.org/tjctc-resources/forms.html>.
- The Rules of Judicial Administration can be found here: <https://www.txcourts.gov/rules-forms/rules-standards/>

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EPO Forms

- SB 48 from the 2023 Legislative Session required OCA to create and release protective order forms, including EPO forms.
- These forms are live and available here: <https://www.txcourts.gov/rules-forms/standardized-protective-order-forms/>
- The EPO form itself must be used by courts, while other forms, such as applications, are optional for courts.
- For additional information regarding use of the forms, see the top of TJCTC's Forms webpage: <https://www.tjctc.org/tjctc-resources/forms.html>

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CCP Renumbering

- HB 4504 from the 2023 Legislative Session renumbered many sections of Chapters 2, 13, 45, and 55 of the Code of Criminal Procedure, effective January 1, 2025.
- TJCTC has updated its Deskbooks to contain the new references. Books marked as “Updated January 2025” contain updated references.
- No other substantive changes were made to the Deskbooks in this update, but 2025 Legislative Session updates to all deskbooks will be coming soon!

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Landlord/Tenant

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Landlord/ Tenant

Bill List

SB 38 – New Eviction Laws

SB 1333 – Squatters

HB 47 – Right to Vacate Following Certain Sex Offenses/Stalking

HB 2037 – Repair & Deduct and Security Deposits

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SB 38 – New Eviction Laws

Property Code Ch. 24

Effective 1/1/26, applies to suits filed on/after this date.

Except: Rulemaking authority for the Supreme Court takes effect 9/1/25.

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Jurisdiction & Venue

- Clarification only! No new law here.
- Justice courts have jurisdiction over evictions but cannot adjudicate title to real property – only right to possession.
- Counterclaims and third-party claims are not allowed in eviction suits.
They can be brought separately.
- Eviction suits must be filed in the county and precinct where the premises are located.

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Computation of Time

- Mostly codifies the current Rules
- Time periods for filings and notices include weekends and holidays, but if the last day falls on a weekend or holiday, the deadline moves to the next business day.
- But note that it says “state or federal holiday” and would arguably extend the deadline whether the court is open or closed on any such holiday.

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Authority to Suspend or Modify Procedures

- **General Rule:** Only the legislature can change eviction procedures.
 - TRCP can't change anything listed in Ch. 24.
- **During a Disaster:** Texas Supreme Court can change procedures (**to all courts similarly affected by the disaster without regard to the subject matter of the action**), but only in a uniform way and with public notice in writing.
 - Can't apply special rules to a specific case type.

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Notice to Vacate (NTV) – *Nonpayment of Rent Cases*

- If tenant **was previously late** on the rent, **may give either** “notice to pay rent or vacate” (if they pay, they get to stay) or “notice to vacate” (they have to go whether or not they pay).
- If tenant **was not previously late** on the rent, **must give** “notice to pay rent or vacate.”
- The counting resets with each new lease agreement for purposes of determining if someone was previously late.
- If NTV without option to pay, must plead/prove that the tenant was previously late.

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The tenant has not been previously late with rent, but the landlord thinks it will continue to be a problem since they've lost their job and wants to do a notice to vacate instead of a notice to pay or vacate. Can the landlord choose to do this?

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The tenant is being evicted because they have pets that are not allowed under the lease. They have never been late in paying the rent. Is the landlord required to give the tenant a "Notice to Pay or Vacate"?

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NTV – Federal Laws

- **What the bill says:** If federal law requires a longer notice, the landlord can file suit after the state notice period but cannot serve a writ of possession until the federal period expires.
- This would **not** apply to:
 - Notices to cure/pay **or** vacate – must wait until cure period is over before filing suit.
 - Termination notices – must wait until after date of termination before giving NTV.
- This **will** be at issue when things like the CARES Act, PTFA, and federally subsidized housing rules provide for longer NTV periods (where there is no option to cure) than under TX law.
- **Problem:** The tenant hasn't committed a forcible detainer until they fail to deliver possession back to the landlord after a proper demand has been made. How can this happen until the notice period runs?

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3 Ways to Think About This

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Option 1

- Statute doesn't change the definition of forcible detainer, so there is no cause of action until they haven't moved out by the longer federal NTV deadline.
- If case is filed before federal NTV deadline, court will issue a judgment for defendant, because COA didn't accrue before filing (which is a long-held requirement under case law).
- *Concern with this approach:* This interpretation essentially renders meaningless the new language in the statute that allows for filing prior to the federal NTV deadline.

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Option 2

- Statute overrides the requirement to have a COA before filing but still need it before judgment.
- Court will give judgment to the plaintiff if they prove their case and the tenant didn't move out by the deadline, and that all occurred prior to judgment.
- *Concern with this approach:* The lack of a COA prior to filing goes against established law and the eviction filing (even without a judgment) can be damaging to a person's ability to rent despite the fact that they've done nothing wrong.

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Option 3

- Statute overrides all relevant caselaw and the need for a cause of action prior to judgment.
- Court can give a judgment to the plaintiff if they otherwise prove their case even if the federal NTV deadline has not yet passed (but must wait until after the federal deadline to give a writ of possession).
- *Concern with this approach:* There is no justification for the judgment at the time it is signed, and if the tenant does move out by the deadline, they will have a judgment against them and all the negative effects of that even though they complied with the law. Practically, there may also be issues with whose job it is to calculate/track this.

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NTV & Notice of Proposed Eviction Timeframes May Run Concurrently

- If the lease or applicable state or federal law or rule requires a landlord to give a tenant an opportunity to respond to a notice of proposed eviction before filing an eviction suit:
 - the notice period in a “notice to pay rent or vacate” or “notice to vacate” may, at the landlord’s discretion, run concurrently with the period provided for the tenant to respond to the notice of proposed eviction; and
 - the “notice to pay rent or vacate” or “notice to vacate” may include the required opportunity to respond to the notice of proposed eviction.
- But note that any notice of proposed eviction must be provided and the relevant time period elapsed before an eviction suit could be filed (regardless of which option you follow from the previous three slides regarding federal NTV periods).

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NTV & Notice of Proposed Eviction Timeframes – Examples

- Examples:
 - The 10-day notice of delinquent rent in manufactured home eviction cases for non-payment of rent can run concurrently with the NTV. So, if the 10-day notice is required and there is a 3-day NTV, the NTV can be given at any point during the 10-day period, and they can run together. An eviction case can be filed if both periods have expired. The landlord does not need to give the 10-day notice, wait those 10 days, and then give the 3-day NTV and wait 3 more.
 - Subsidized housing also often has notices of proposed eviction, and those periods can also now run concurrently with whatever NTV period is required.
 - *Note:* If there was a federal law, more specific state law, or lease provision that specifically stated that the notice of proposed eviction period must expire before a notice to vacate is filed, we believe that would control (but that is usually not the wording).

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Delivery of NTV

- Notices must be delivered using at least one of the following methods:
 - mail, including first class mail, registered mail, certified mail, or a delivery service;
 - delivery to the inside of the premises, in a conspicuous place;
 - hand delivery to any tenant of the premises who is 16 years of age or older; or
 - if the parties have agreed in writing, electronic communication, including e-mail or other electronic means.
- If the tenant actually receives notice, method of delivery requirement doesn't apply.
- The bill essentially got rid of the old notice to vacate delivery procedures and made them simpler/easier for landlords.

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How do you determine date of delivery of NTV if mailed?

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Petition

- Eviction suits must be initiated by a sworn petition, which must meet Texas Rules of Civil Procedure requirements. (*codifies current rules*)
- A court may **not** adopt local rules, forms, or standing orders for eviction suits that:
 - require content in or with the petition other than the content required by the TRCP; or
 - authorize the dismissal of an eviction suit on the basis that the petition is improper if the petition meets the requirements of the TRCP or can be amended to do so.

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Mediation/Pretrial Conferences

A court may **not** adopt local rules, forms, or standing orders for eviction suits that require any mediation, pretrial conference, or other proceeding before trial.

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What about asking the parties to talk prior to a trial/hearing?

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Electronic Appearances

- Courts may allow any party to appear virtually if they agree.
- But cannot require them to if they want to come in person.

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Summary Disposition – New Expedited Version

- Current summary disposition procedures (*for a judgment without trial*) almost never apply to eviction cases due to how long summary disposition motions must be on file before being considered and the timeframe in which an eviction must be heard.
- Now there is a new expedited summary disposition procedure only for evictions – but ***only for Forcible Entry & Detainer/Squatter cases***
 - If one of these is filed in a case where the defendant is **not** a squatter, it must be denied even if you believe the landlord will win at trial.

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Summary Disposition – Definition of Squatter

- Prop Code Sec. 24.001: A person commits a forcible entry and detainer (FED) if the person enters the real property of another **without legal authority or by force** and refuses to surrender possession on demand.
- It does **not** count as a FED if the person enters with the consent of:
 - A person in actual possession of the property;
 - A tenant at will or by sufferance; or
 - A person who acquired possession by forcible entry (a squatter).

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Summary Disposition – General Procedures

- Landlords may include a motion for summary disposition with their petition if there are no disputed facts.
- Tenants have four days after service to respond and request a trial if there is a genuine dispute.
- The sworn motion must set out all supporting facts and any documents relied on must be attached.
- The citation must include a required notice (language on next slide).

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Summary Disposition – Notice in the Citation

- The following notice must be in English & Spanish on the first page in **bold and conspicuous print**.

The petition includes a motion for summary disposition. If the motion shows there are no genuinely disputed facts that would prevent a judgment in favor of the landlord, the court may enter judgment in favor of the landlord without a trial unless:

- (1) not later than the fourth day after you are served with the landlord's sworn petition, you file a response setting out supporting facts and any applicable documents on which your response relies; and
- (2) the justice court determines that service on you was proper and, based on the landlord's sworn petition and your response, there are genuinely disputed facts that would prevent a judgment in favor of the landlord.

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Summary Disposition – Ruling on the Motion

- Should be **granted** if:
 - Motion and petition show no disputed facts,
 - There was proper service on the tenant, and
 - The tenant did not answer *or* the answer does not show a disputed fact.

Note: the court **may** consider a tenant's late answer if it was received prior to judgment and **"it shows a genuinely disputed fact that would prevent judgment in favor of the landlord."**

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Summary Disposition – Notice to the Defendant

- Notice of a summary disposition should be sent to the defendant just like a default judgment.

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Summary Disposition – Timing

- The bill says that if the court determines that there are genuinely disputed facts, the court shall set the trial date between 10 and 21 days from the filing of the petition, or may immediately set the case for trial upon the tenant's request for a trial/showing of disputed facts.
- But as of now, TRCP 510.4(a)(10) states that the trial date must be included in the citation, which will need to be served on the defendant prior to the court's determination of the summary disposition.
- Court could potentially rule on the summary disposition on the date/time of trial if desired.
- If done before, must make sure it is clear ASAP to all parties whether the motion was granted/denied and if there is still a trial setting or not.

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Service

- Sheriff/constable must make diligent effort to serve the citation and petition not later than the 5th business day after the petition is filed.
- If not served on/before 5th business day, landlords may use other law enforcement officers *who have received appropriate training in the service of process, eviction procedures, and the execution of writs as determined by the Texas Commission on Law Enforcement (TCOLE)*.
 - Return of service or testimony will need to show that the officer had the proper training.
- If plaintiff is calling the court about the status of service and you do not yet have a return on file, you should refer them to the sheriff/constable.

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What if the citation isn't issued/sent to the constable/sheriff right away?

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Practically, who else other than a constable or sheriff's office could serve eviction papers?

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Trial Deadlines

- Trials **must** still be set **between 10 and 21 days after filing** and continuances are still limited to 7 days **unless both parties agree (no change here)**.
- But now, trials may not be set before the **4th** day after service (used to be 6th day).

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Information in Judgment

- All judgments (not just nonpayment of rent ones) must now include:
 - The appeal bond amount.
 - The amount of rent to be paid each rental pay period during the pendency of any appeal.

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Appeals

- Appeals from justice courts (bond, cash deposit, or statement of inability to pay) must be filed within 5 days (*clarification for all appeal types/codification of current rules*).
- Tenants must affirm, under penalty of perjury, “the tenant's good faith belief that the tenant has a **meritorious defense** and that the appeal is **not for the purpose of delay**.”

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A tenant appeals and affirms that there is a meritorious defense and it is not just for delay, but the court isn't sure if that is true. What do you do?

51

Rent During Appeals

- If appealing, tenants must pay one rental period's rent into the court registry within 5 days and continue to pay as due during the appeal – in whichever court the case is pending at the time of payment.
- No longer just for nonpayment of rent cases, and covers all appeal types, including cash deposits.
- Courts must disburse these funds to the landlord on request (will usually happen in county court).

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Rent During Appeals – Notice

- If a tenant appeals (*in any case type/with any method of appeal*), the court must give a notice of:
 - the amount of rent to be paid into the justice court *or county court registry as applicable, during the pendency of the appeal*,
 - how the payment can be paid,
 - the calendar date by which it must be paid,
 - the time the court closes (if before 5 pm), and
 - a statement that a writ of possession may result without a hearing if they do not pay into the registry.

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Rent During Appeals – Amount

- Amount in rental agreement.
- If no amount in a lease, the court must determine the “pay period” and the amount to be paid per period which must be the greater of:
 - \$250, or
 - Fair market value as determined by the court.
- Either party can file a motion to reconsider the amount of rent during the pendency of appeal.

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Rent During Appeals – Gov't Agency

- If a government agency pays part of the rent, the court determines what the tenant owes and either party may contest this. *(Only change is that this now applies to all eviction cases instead of just nonpayment of rent.)*
- **Removed:** If the tenant objects to the justice court's ruling on the portion of the rent to be paid by the tenant during appeal, the tenant shall be required to pay only the portion claimed by the tenant to be owed by the tenant until the issue is tried de novo along with the case on the merits in county court.
 - With this gone, it is very important to get the amount the tenant owes right – they are not required to pay the full amount of the rent, just the amount they are responsible for under the lease.
- When there is a motion for tenant to pay the full amount because the gov't agency isn't paying, the landlord no longer has to take reasonable action to solve the problem first. The other requirements still apply.

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Forwarding Appeal to County Court

- Justice court must forward the transcript and original papers to county court **not earlier than 4 pm on the 6th day after the appeal is filed or not later than 4 pm on the 10th day after the appeal is filed**, unless the court confirms that the tenant has timely paid rent into the registry, and then they may forward the case immediately.
- If the justice court issues a writ of possession, they immediately should forward the case to the county court.

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County Court – Timeframe

- County courts must hold a trial **within 21 days** after the date the transcript and original papers are delivered to the court.

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Writs of Possession

- *Clarification:* A court does not have discretion over whether or not to issue a writ of possession. If the requirements are met and no other law bars it, then it must be issued.
- Writ is issued by justice *or county court* as applicable.
 - Writ for failure to pay rent – clarified that applies if not paid at any point as due during appeal, not just if initial payment not made.

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Writs of Possession – Service

- Service of writ must occur within 5 business days from issuance of the writ, or landlords may use other trained officers.
- TJCTC interpretation is that “service” means service of the initial notice, but others have argued that it means complete execution of the writ.
 - In the end, this shouldn’t matter if they’re moving forward and coordinating with the plaintiff.
- If plaintiff is calling the court about the status of service/execution and you do not yet have a return on file, you should refer them to the sheriff/constable.

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SB 1333 – Squatters

Penal Code § 28.03(b), 32.56, 32.57

- New Criminal Offenses (not in JP jurisdiction)
 - Criminal Mischief (while trespassing)
 - False, Fraudulent, or Fictitious Document Conveying Real Property Interest
 - Fraudulent Sale, Rental, or Lease of Residential Real Property

Property Code Ch. 24B

- Immediate Removal & Action for Wrongful Removal

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Immediate Removal of Unauthorized Occupants

- Property owners (or their agents) can request immediate removal by sheriff/constable of a person unlawfully occupying a dwelling, if:
 - The property was not open to the public when entered,
 - The property is not the subject of pending litigation between the parties,
 - The owner/agent has directed the person to leave, and they have not done so, and
 - The occupant is not a current/former tenant (under written or oral lease), immediate family, owner, or co-owner.

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Immediate Removal – Procedure

- The owner/agent must file a complaint with the sheriff or constable in the county where the property is located.
- Complaint must be sworn (or have an unsworn declaration) and include everything listed in the statute.
- Valid ID must be attached to the complaint (and if they are an agent, they must also provide documentation of authority to act on owner's behalf).
- Law enforcement must verify ownership and entitlement of the complainant, and then without delay, serve notice to immediately vacate (by hand delivery or affixing the notice to the front door or entrance of the dwelling) and restore possession to the owner.

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Immediate Removal – Verifying Ownership & Identifying Occupants

- Complainant must be:
 - the record owner of the property that is the subject of the complaint or the owner's agent; and
 - otherwise entitled to the relief sought in the complaint.
- Occupants
 - The serving officer must attempt to verify the identity of each person occupying the dwelling and note each identity on the return of service.

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Immediate Removal – Keeping the Peace

- The property owner or owner's agent may request that the sheriff or constable remain on the property to keep the peace while the owner or owner's agent:
 - changes any locks; and
 - removes any personal property of an occupant from the dwelling and places the personal property at or near the property line of the owner's property.

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Immediate Removal – Arrest

Law enforcement may arrest unauthorized occupants for trespass, outstanding warrants, or other offenses for which there is PC.

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Immediate Removal – Return of Service

- The statute doesn't say what should happen with the return of service.
- TJCTC's advice is to provide it to the person that filed the complaint and also keep a copy in the file at the constable/sheriff's office.

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Immediate Removal – Fees and Liability

- Sheriffs/constables may charge a fee equivalent to executing a writ of possession, plus an hourly rate if asked to remain on-site during removal.
- Law enforcement is shielded from liability for loss/damage during removal.
- Owners/agents are generally not liable for property loss/damage from removal but may be sued for wrongful removal and a judgment could be entered for damages, court costs, and attorney's fees.

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If an owner does the immediate removal procedure, could law enforcement also pursue criminal trespass charges?

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Action for Wrongful Removal

- A person wrongfully removed or whose personal prop is wrongfully removed can bring a civil suit to:
 - Recover possession of the real property, and
 - Recover damages from the person who requested the removal.
- Court must set the case at the earliest practicable date to expedite the action.
- *Note:* No reason they couldn't also still ask for a Writ of Re-entry (as long as all requirements for that are met).

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Action for Wrongful Removal – Damages

- Damages available:
 - Actual damages,
 - Exemplary/punitive up to 3x the fair market rent,
 - Court costs, and
 - Reasonable Attorney's fees

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Issues Not Addressed in the Bill

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HB 47 – Right to Vacate Following Certain Sex Offenses/Stalking

Property Code § 92.0161(c)

- This statute allows for victims of certain assaults, abuse, or stalking to get out of their lease and move without liability.
- Removed the requirement that the assault or abuse occurred at the premises.
- Note, this does not remove the requirement that the stalking offense occurred at the premises.

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HB 2037 – Repair & Deduct

Property Code § 92.0561(f), 94.157(g); Applies only to a lease entered into/renewed on/after 9/1/25

- Small change to repair and deduct remedy in both residential and manufactured home tenancies.
- Company/contractor/repairman:
 - Must be “independent” instead of “found in yellow pages/classified section.”
 - Must be licensed as required if located in a municipality that requires licensure.

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HB 2037 – Security Deposits

Property Code § 92.112, 92.113, 94.110, 94.111; Applies only to a lease entered into or renewed on/after 9/1/25

- Identical language added to Security Deposits section in both residential and manufactured home tenancies.
- AGENTS FOR DELIVERY OF NOTICE. A managing agent, leasing agent, or resident manager is the agent of the landlord for purposes of notice and other communications required or permitted by this subchapter.
- NOTICE BY E-MAIL
 - (a) Notice and other communications required or permitted by this subchapter may be sent by e-mail if the tenant and the landlord or landlord's agent have previously communicated by e-mail.
 - (b) The landlord or landlord's agent may designate a specific e-mail address for a tenant to use for the purpose of Subsection (a).

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Magistration

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Magistration

Bill List

HB 75 – No PC Findings

SB 9 – Bail and PSRS

SB 1020 – Electronic Monitoring Device Notifications

SB 1610 – Civilly Committed Sexually Violent Predators

HB 1778 – Continuous Promotion of Prostitution

HB 2492 – Delayed Release on FV Offenses

HB 2073 – FV Bond Condition Violations

SB 2196 – EPO Timeframes

SB 1896 – Provision of Necessary Info for EPOs

SB 836 – Prohibited Use and Confidentiality of Sex Offense Evidence

HB 2697 – Surety Surrender

SB 1886 – Execution of Blood Search Warrants

SB 1164 – Emergency Detention Warrants

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HB 75 – No PC Findings

CCP Art. 15.17(h)

- Not later than 24 hours after the time a magistrate determines that no probable cause exists to believe that a person committed the offense for which the person was arrested, the magistrate shall enter in the record written findings to support that finding.

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A defendant is arrested for DWI and brought before a magistrate on a Saturday at 9 a.m. The affidavit says “the defendant was drunk” without any supporting facts. The magistrate determines there is no PC.

- 1. What should the written findings include?**
- 2. When do they need to be completed?**
- 3. Where should they be kept?**
- 4. Why is it important that the prosecutor know about and have access to the findings?**

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SB 9 – Bail and PSRS (Slide 1 of 9)

- *CCP Art. 17.021(b); Effective 4/1/26:* Changes PSRS to include if defendant is on supervision, parole, on bail or pretrial intervention, or has outstanding warrants or protective orders.
- *CCP Art. 17.021(c-1),(h),(h-1); Effective 1/1/26:* Must now configure system to allow county and city jail records to be integrated with PSRS. OCA may be able to give grants (if money is appropriated) to reimburse counties for costs related to integrating systems.
- *CCP Art. 17.021(i):* OCA may modify PSRS to incorporate technological advances.

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SB 9 – Bail and PSRS (Slide 2 of 9)

CCP Art. 17.022(g)

- Magistrate can now order, prepare, or consider PSR in setting bail for someone not in custody.

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What are some examples of when a magistrate might need to order, prepare, or consider a PSR in setting bail for someone not in custody?

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SB 9 – Bail and PSRS (Slide 3 of 9)

CCP Art. 17.027(a),(a-1); Effective 4/1/26

- If a defendant is magistrated on a felony while released on bail for a different felony committed in another county, electronic notice of the charge must now be given to the individual designated to receive electronic notices for the county in which the previous offense was committed, not later than the next business day after the date the defendant is taken before the magistrate.
- The court before which the previous felony is pending shall consider whether to revoke or modify the terms of the bond/otherwise reevaluate the previous bail decision.

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SB 9 – Bail and PSRS (Slide 4 of 9)

CCP Art. 17.027(c),(d); Effective 1/1/26

- The local administrative district judge for each county shall designate an individual to receive electronic notices. The county shall ensure that the name and contact information of the individual designated are included in the PSRS.
- When a notice is received, they shall promptly provide it to the applicable court for the previous felony offense, to the district clerk, to the attorney representing the state, and to the defendant's attorney, if known. A notice provided under this subsection does not constitute an ex parte communication.

83

SB 9 – Bail and PSRS (Slide 5 of 9)

CCP Art. 17.029

- When bail is set on a felony by a magistrate who does not have trial court jurisdiction over felonies, a district judge in the county where the case will be filed/tried has jurisdiction to modify the bail decision regardless of whether an indictment or information has been filed.

84

SB 9 – Bail and PSRS (Slide 6 of 9)

CCP Art. 17.03(a),(b-2)

List of when a defendant **cannot** be released on personal bond (except as provided by CCP Articles 15.21, 17.032, 17.033, and 17.15) added to:

- Now includes if charged with any of the following Penal Code offenses:
 - Sec. 19.02(b)(4) (murder as result of manufacture/ delivery of controlled substance in Penalty Group 1-B).
 - Sec. 22.07, (terroristic threat), if punishable as Class A or higher.
 - Sec. 25.07 (violation of certain court orders or bond conditions in a FV, child abuse or neglect, sexual assault/abuse, indecent assault, stalking, or trafficking case).
- *Note: “if charged with an offense involving violence” is still included as well.*
- Now includes if released on parole (before was just if released on bail or community supervision) for an offense involving violence and then charged with a felony or any of the following Penal Code offenses: Sec. 22.01(a)(1) (assault), Sec. 22.05 (deadly conduct), or Sec. 42.01(a)(7) or (8) (disorderly conduct involving a firearm).
 - *Note: terroristic threat was removed from this section and added above.*

85

SB 9 – Bail and PSRS (Slide 7 of 9)

CCP Art. 17.09, Sec. 3

- If a judge/magistrate finds that a bond needs to be modified, they can have them rearrested in order to give a new bond.
- Now, it is clarified that they can do this regardless of whether the defendant has been previously released under CCP Art. 17.151 (which governs release because of delay).

86



This change allows you to modify a bond as insufficient once a person is released on a reduced bond due to delay. This raises questions of how this would work:

- **Does the clock for when state the must be ready or they are released again start again?**
- **Are they held indefinitely in jail?**
- **Are they entitled to immediately be reduced again?**

87

SB 9 – Bail and PSRS (Slide 8 of 9)

CCP Art. 17.092

- A JP Magistrate (and any other magistrates described by CCP Art. 2A.151(5)–(14)) may not reduce the amount or conditions of bond set by the judge of a district court, including the judge of a district court in another county.

88



**What counts as “setting” a bond?
Does this include a recommended
bond on a warrant that was issued by
a district judge?**

89

SB 9 – Bail and PSRS (Slide 9 of 9)

- *Government Code § 72.038(b-1),(c):*
 - A person who under authority of a standing order related to bail releases someone on a Class B or higher offense must complete the bail form.
 - All bail forms must now be submitted in the PSRS not later than 48 hours after bail is set (instead of 72).
- *Government Code § 72.038(c-1), Effective 1/1/26:*
 - OCA shall provide to the elected district attorney in each county an electronic copy of the form submitted to OCA for each defendant whose bail is set in the county for an offense involving violence, as defined by CCP Art. 17.03.

90

SB 1020 – Electronic Monitoring Device Notifications

CCP Art. 17.431, 17.442; Applies only to a violation of a condition of release on bond that occurs on/after 9/1/25.

- Immediately after a personal bond office or an agency supervising a defendant's release on a bond other than a personal bond determines there is reasonable cause to believe a defendant has violated a bond condition related to an electronic monitoring device, the office/agency shall notify the court/magistrate with jurisdiction over the case.

Government Code § 21.013(a)(1)

- Information about a person required to submit to electronic monitoring is excepted from the definition of "judicial work product."

91

SB 1610 – Civilly Committed Sexually Violent Predators (Slide 1 of 2)

Applies only to a person who is arrested on/after 9/1/25.

- *CCP 14.03(a)*: Adds to list of who can be arrested w/o warrant: a person who the peace officer has probable cause to believe has committed a felony offense while civilly committed as a sexually violent predator under HSC Ch. 841.
- *CCP 15.17(a),(b)*: If defendant is civilly committed as a sexually violent predator, Magistrate can do the 15.17 warnings at the civil commitment facility. Defendant added to the exceptions to the rule that someone charged with a fine-only misdemeanor may be released without bond.
- *CCP 17.091*: Notice of Certain Bail Reductions Required – any felony offense committed by a civilly committed sexually violent predator added to this section.

92

SB 1610 – Civilly Committed Sexually Violent Predators (Slide 2 of 2)

Applies only to a person who is arrested on/after 9/1/25.

- *CCP 17.151, Sec. 2:* Release because of delay now does not apply to someone civilly committed as sexually violent predator.
- *CCP 17.411:* Specific discretionary and mandatory bond conditions for civilly committed sexually violent predators.
- *CCP 66.102:* "Computerized Criminal History System" (TCIC/included on PSRS report) – must now also include any civil commitment order issued under HSC Ch. 841. As soon as practicable after 9/1/25, DPS shall input this info for any person who was civilly committed under HSC Ch. 841 before 9/1/25.

Note: Additional statutes impacted by this bill are listed in the Bill Chart handout.

93

HB 1778 – Continuous Promotion of Prostitution

Penal Code § 43.032, CCP Art. 17.081, 17.465(b), 58.051(11)

- This new offense was created, and has been added to various other existing provisions related to magistration and victim protections:
 - Additional requisites of bail bond given by certain defendants.
 - Bond conditions for defendants charged with certain trafficking or prostitution related offenses involving adult victims.
 - Confidentiality of identifying information and medical records of certain crime victims (including service of any process on AG for eligible victims).

94

HB 2492 – Delayed Release on FV Offenses

CCP Art. 17.291(b), Applies only to a person who is arrested on/after 9/1/25.

- There is currently a law in place regarding family violence cases that allows a jail to delay release of a defendant (who has posted bond) for not more than 4 hours if there is probable cause to believe the violence will continue if the person is immediately released.
- This delay is now **required** instead of optional if there is the above noted probable cause and the delay time is now set at exactly 4 hours.
- Note that release can still be further delayed after this for up to 48 hours if the requirements of CCP Art. 17.291 are met.

95

HB 2073 – FV Bond Condition Violations

Penal Code § 25.07(g), 25.072(e)

- Punishment for violations of certain court orders/bond conditions in FV/child abuse or neglect/sexual assault or abuse/indecent assault/stalking/trafficking cases:
 - Amended to make it a state jail felony if a defendant violates a bond condition/PO/EPO in a manner described by 25.07(a)(1),(2),(3),(5),(6), or (7) while possessing a deadly weapon (all FV related).
- For repeated violations of the above types of orders/bond conditions, now a second-degree felony if it is shown on the trial of the offense that at least one time the person engaged in conduct that was punishable as a state jail felony as described above.

96

SB 2196 – EPO Timeframes

CCP Art. 17.292(j); Applies only to an order for emergency protection issued on/after 9/1/25.

- If EPO is issued under 17.292(a) (discretionary if one of the listed offenses) or 17.292(b)(1) (mandatory due to serious bodily injury to the victim of FV offense):
 - Timeframe is now at least 61 but no more than 91 days after issuance (instead of 31 and 61).
- If EPO is issued under 17.292(b)(2) (mandatory due to the use or exhibition of a deadly weapon during the commission of an assault in FV situation):
 - Timeframe is now at least 91 but no more than 121 days after issuance (instead of 61 and 91).

97

SB 1896 – Provision of Necessary Info for EPOs

CCP Art. 14.06(a-1), 15.052, 15.17, 17.292; Applies only to a person who is arrested on/after 9/1/25.

- A person making an arrest/having custody of a defendant for an offense where an EPO is an option shall provide the following to the magistrate:
 - Information regarding the arrested person that is necessary for/will aid in the issuance of the EPO.
 - To the extent available, information regarding the victim to aid in the issuance of the EPO.
 - At a minimum, any available information that is described by Government Code Sec. 411.042(b)(6) (and they may use a form adopted by OCA under Section 72.039, Government Code, for this purpose).
- A person making a complaint alleging the commission of an offense described by Art. 17.292(a) shall include the information necessary for the issuance of an EPO as provided by Art. 17.292(d-3).
- Failure to provide this information does not impact the sufficiency of a complaint or the authority/duty to issue an EPO.

98

SB 836 – Prohibited Use and Confidentiality of Sex Offense Evidence (Slide 1 of 2)

CCP Art. 38.435, 38.451; Applies to a court hearing/proceeding that commences on/after 9/1/25.

- Any evidence collected during a forensic medical examination under CCP Ch. 56A, Subchapter G (exams done on victims of sexual assault) is confidential and shall be placed under seal of the court on the conclusion of the hearing/proceeding (including magistration duties).
 - The seal may only be lifted on a finding that the order is in the best interest of the public.
- Visual images that are evidence of an offense under Penal Code Sec. 21.15 (Invasive Visual Recording) used to only be confidential if it was of a child younger than 14 years old. Now they are confidential regardless of the age of the victim.

99



How does a court “seal” something?

100

SB 836 – Prohibited Use and Confidentiality of Sex Offense Evidence (Slide 2 of 2)

Government Code § 21.014; Applies to a court hearing/proceeding that commences on/after 9/1/25.

- A court may not allow the electronic transmission or broadcasting of certain court proceedings in which evidence or testimony is offered that depicts or describes acts of a sexual nature unless the court provides notice to and receives express consent for the transmission or broadcasting from:
 - the victim or the parent/conservator/guardian of the victim; the attorney representing the state; and the defendant.
- This applies to:
 - Criminal (including magistration duties) or civil proceedings related to the sexual, assaultive, and trafficking offenses listed in Sec. 21.014(a).
 - Court proceedings relating to EPOs.

101



Earlier, we talked about how magistration proceedings are required to be open to the public. So, what should a magistrate do in a case involving this type of confidential information?

102

HB 2697– Surety Surrender

CCP Art. 17.19(a),(a-1)

- If the defendant is charged with a felony, in addition to satisfying the existing requirements provided by Subsection (a), a surety must:
 - before filing the required affidavit, notify the attorney representing the state with jurisdiction in the case of the surety's intention to surrender the principal.
- The affidavit, when filed, must state that the above notice was given as required.

103

SB 1886 – Execution of Blood Search Warrants

CCP Art. 18.067; Applies only to a search warrant issued on/after 9/1/25.

- Clarifies that any peace officer who is physically in the county of execution (or in an adjacent county), regardless of the county their department is in, will be able to execute blood search warrants.

104

SB 1164 – Emergency Detention Warrants (Slide 1 of 2)

HSC § 573.012(b), Repealed: 573.012(c); Applies only to an emergency detention that begins on/after 9/1/25.

- The wording for the required determinations when deciding whether to issue an emergency detention warrant has changed.
- And now it is all combined into Subsection (b), with (c) repealed.
- New language on next slide:

105

SB 1164 – Emergency Detention Warrants (Slide 2 of 2)

HSC § 573.012(b), Repealed: 573.012(c); Applies only to an emergency detention that begins on/after 9/1/25.

(b) The magistrate shall deny the application unless the magistrate finds that there is reasonable cause to believe that:

- the person evidences mental illness and because of that mental illness the person evidences:
 - a substantial risk of serious harm to himself or others;
 - severe emotional distress and deterioration in the person's mental condition; or
 - an inability to recognize symptoms or appreciate the risks and benefits of treatment;
- the person is likely without immediate detention to suffer serious risk of harm or to inflict serious harm on another person;
- the risk of harm is imminent unless the person is immediately restrained; and
- the necessary restraint cannot be accomplished without emergency detention.

106

SB 1164 – Emergency Detention Warrants – Non-Warrant Detention

HSC § 573.001(a), 573.002(a),(b),(c),(d),(f), 573.003(a), Repealed: 573.001(b), 573.003(b); Applies only to an emergency detention that begins on/after 9/1/25.

- Similar changes in the following sections to the language for when a peace officer may take a person into custody for emergency detention without a warrant and when a guardian can take a ward who is 18 or older without the assistance of a peace officer:
 - Apprehension by Peace Officer Without Warrant
 - Peace Officer's Notification of Emergency Detention
 - Transportation for Emergency Detention by Guardian
- Language also added about peace officer being able to leave hospital after non-warrant detention as soon as the person is taken into custody by appropriate facility staff and the required notification is provided to the facility.

107

Criminal

108

Criminal

Bill List

SB 296 – DSC

HB 654 – PWC Offense Deferral

SB 305 – Passing Certain Vehicles on Highway

SB 2129 – Disobeying Train Track Warnings

SB 2039 – Sidewalk Users

SB 2807 – Automated Motor Vehicles

HB 2282 – Warrant Fee

SB 1667 – Expunctions

109

SB 296 – DSC – Email Request

CCP 45A.352(a)

- Allows a written request for DSC to be sent through a court-designated e-mail address or Internet portal if authorized by the court.
- Certified mail, return receipt requested (RRR) is still an option also.

110

SB 296 – DSC – Multiple Offenses

CCP 45A.352(b), 45A.356(c), 45A.358; Applies to a request made on/after 9/1/25, regardless of when the offenses were committed.

- DSC dismissal now available for multiple charges at the same time if they are all arising out of the same criminal transaction.
- All offenses must be eligible, and the defendant must otherwise satisfy all requirements for DSC.
- All charges will be dismissed after successful completion of **ONE** course, but separate reimbursement fees **MAY** be required for each offense.

111



What does “the same criminal transaction” mean? What is an example of when a defendant could dismiss more than one offense with one course?

112

HB 654 – PWC Offense Deferral

PWC § 61.902

- Applies to an offense of hunting certain prohibited mule deer or white-tailed deer based on the inside or outside spread measurement of the antlers, where the violation is one inch or less different than allowed.
- May allow deferred disposition for not more than 180 days (and may charge \$10 reimbursement fee and \$10 course fee for the provider) if the defendant meets all the requirements of Sec. 61.902(c). Court shall then dismiss if the defendant:
 - Provides evidence of successful and timely completion of a hunter's education course; and
 - Has no further PWC offenses during the deferral period.
- *Note:* This deferral may be granted for offenses committed on/after 9/1/25, but the \$10 fees may only be assessed on deferrals granted on/after 1/1/26.
- Additional details/procedures are in the statute.

113

SB 305 – Passing Certain Vehicles on Highway

Transportation Code § 545.157(a)

- Adds two additional types of vehicles to the offense of passing certain vehicles on the highway (without getting over or slowing down):
 - A vehicle operated by an animal control officer, as defined by HSC Sec. 829.001 or an individual authorized to dispose of a carcass of an animal under HSC Sec. 361.117, for the purpose of removing an animal carcass from a roadway, and using visual signals that comply with the standards and specifications adopted under Transportation Code Sec. 547.105.
 - A vehicle operated by an employee of a local authority for the purpose of issuing a parking citation and using visual signals that comply with the standards and specifications adopted under Transportation Code Sec. 547.105.

114

SB 2129 – Disobeying Train Track Warnings

Transportation Code § 545.251(f)

- Changes fine structure for offense of disobeying train/train signals/gates/rules:
 - An offense under this section is punishable by a fine of not less than \$50 or more than \$200, except that the offense is punishable by a fine of not less than \$100 or more than \$400 if it is shown on the trial of the offense that the operator disregarded a warning given by a flagger under Subsection (a)(2).

115

SB 2039 – Sidewalk Users (Slide 1 of 2)

Transportation Code § 541.001(6)

- “Sidewalk user” definition added to the code – an individual lawfully operating one of the following on a sidewalk:
 - a bicycle;
 - a motor-assisted scooter, as defined by Section 551.351;
 - an electric personal assistive mobility device, as defined by Section 551.201;
 - a skateboard;
 - roller skates; or
 - a similar device.

116

SB 2039 – Sidewalk Users (Slide 2 of 2)

- Sidewalk users now added to the following provisions related to pedestrians:
 - **Transportation Code § 544.007(b),(c),(d)** – Traffic-Control Signals in General (related to vehicles yielding to pedestrians/sidewalk users)
 - **Transportation Code § 545.256** – Emerging from an Alley, Driveway, or Building (related to vehicles yielding to pedestrians/sidewalk users)
 - **Transportation Code § 552.001** – Traffic Control Signals (in Pedestrians and Other Sidewalk Users chapter, related to rules they must follow)
 - **Transportation Code § 552.002** – Pedestrian or Sidewalk User Right-of-way if Control Signal Present
- New provisions added specifically for sidewalk users:
 - **Transportation Code § 552.0035** – Sidewalk User Right-of Way at Crosswalk
 - **Transportation Code § 552.0036** – Sidewalk User Right-of Way at Stop Sign

117

SB 2807 – Automated Motor Vehicles (Slide 1 of 2)

Transportation Code Ch. 545, Subchapter J

- Various updates to Operation of Automated Motor Vehicles Subchapter:
 - 545.451 – Definitions
 - 545.452 – Agencies can't regulate in a way that is discriminatory to automated vehicle operators. Public Safety Commission may exempt automated vehicles from specific traffic laws if will not cause risk to public safety.
 - 545.453 – DMV may adopt rules necessary to administer the subchapter.
 - 545.454 – Automated system is the "operator," but owner/authorization holder gets any citations.
 - 545.455 – Updates to procedures for when operation of automated vehicle is allowed (with and without human driver present).
 - 545.456 – Authorization for commercial use.
 - 545.457 – Duties following an accident.
 - 545.458 – Applies CMV laws to commercial automated vehicles
 - 545.459 – Suspension/revocation/cancellation of Authorization by DPS

118

SB 2807 – Automated Motor Vehicles (Slide 2 of 2)

*Transportation Code Ch. 545, Subchapter J,
Insurance Code § 1954.003*

- DMV and Public Safety Commission shall adopt rules as required under Ch. 545, Subchapter J by 12/1/25. A person is not required to comply with Subchapter J as amended by this act until the 90th day after the effective date of the adopted rules.
- An automated motor vehicle, as defined by Section 545.451, Transportation Code, is considered a transportation network company driver for purposes of Insurance Code Ch. 1954, Subchapter B, and the coverage requirements of that subchapter apply to the automated motor vehicle.
- *Note:* Additional statutes impacted by this bill are listed on the Bill Chart handout.

119

HB 2282 – Warrant Fee

CCP Art. 102.011(a); Applies only to a fee imposed for the execution or processing of an arrest warrant, capias, or capias pro fine issued for an offense committed on/after 9/1/25.

- Warrant fee assessed as costs (when applicable) to a convicted defendant will now be \$75 instead of \$50.
- *Note:* If the fee is assessed before 1/1/26, the fee is \$50. If it is assessed on or after 1/1/26 AND the offense date is on or after 9/1/25, the fee is \$75.

120

SB 1667 – Expunctions – Petition

CCP Art. 55A.253; Applies only to a petition filed on/after 9/1/25.

- May not list any state or local agency more than once or include multiple contacts/addresses for different divisions with respect to the same agency.
- Each district clerk shall compile and maintain on their website a list of agencies/entities and their applicable e-mail addresses. But this is not required to be a complete list, just a potential tool.

121

SB 1667 – Expunctions – Hearing & Notice

CCP Art. 55A.254; Applies only to a petition filed on/after 9/1/25.

- Court must include a copy of the petition with the notice of hearing to applicable agencies/entities.
- Notice does not need to be provided to:
 - The central federal depositories of criminal records (DPS will notify them); or
 - OCA
- An agency/entity with an e-mail address provided in the petition must accept a notice provided electronically by the clerk.
- Court may not charge a fee for notices sent electronically.
- Effective 1/1/26, the court shall charge a \$25 fee for each agency/entity that is listed in the petition and is unable to receive notice electronically.

122



What does the court do if the petition doesn't list all the agencies they should have? What if they haven't included contact information for every agency?

123

SB 1667 – Expunctions – Notice of Expunction Order

CCP Art. 55A.351; Applies only to an expunction order that becomes final on/after 9/1/25.

- Now only need to send a regular copy and not a certified copy of the expunction order to those receiving notice.
- OCA added to list of who gets a copy.
- An agency/entity with an e-mail address provided in the petition must accept a copy of an expunction order sent electronically by the clerk.
- Court may not charge a fee for orders sent electronically.
- Effective 1/1/26, the court shall charge a \$25 fee for each agency/entity that is listed in the petition and is unable to receive the order electronically.

124

SB 1667 – Expunctions – Inspection/ Disposition of Expunction Records

*CCP Art. 55A.356(c),(c-1), Repealed: CCP Art. 55A.356(d),(e);
Applies to records/files in the possession of the court
on/after 9/1/25.*

- Expunction order itself is not to be destroyed.
 - Shall be kept confidential and provided only to the person subject to the order after proper presentation of identification, subject to any further order from the court regarding access to the order.
- Destruction of all other records must now be done on the first anniversary of the date the order is issued (changed from 60 days – 1 year after order is issued).
 - Unless released to the person who is the subject of the order under CCP Art. 55A.355 (no change here).
 - *Repealed:* Requirement to provide notice of intent to destroy to prosecutor/delay if they object; Requirement to certify to the court the destruction of the records.

125

SB 1667 – Expunctions – Retention of Mental Health Records

*CCP Art. 55A.3025; Applies to records/files in the
possession of the court on/after 9/1/25.*

- The court shall retain federal prohibited person information, as defined by Government Code Sec. 411.052 (generally related to mental incapacity), regardless of whether an expunction order is issued with regard to the criminal case in which that information is contained.
- The court shall keep the information confidential, except that it is subject to release to DPS or the FBI only for purposes of an audit of records described by Government Code Sec. 411.0521(c-1), or to otherwise verify the inclusion of a person's records in the National Instant Criminal Background Check System.
- This won't often apply in justice courts, but if any information defined by Government Code Sec. 411.052 happens to be contained in a case, it must be retained.

126

SB 1667 – Expunctions – Fees

Repealed: CCP Art. 102.006; Applies to an expunction order entered on/after 9/1/25, regardless of whether the underlying arrest occurred before/on/after.

- Gets rid of the entire “Fees in Expunction Proceedings” section.
- This means the \$100 fee for CCP Ch. 55A expunctions sought in justice court can no longer be charged starting 9/1/25.
- Now, the only fees justice courts will charge for an expunction under CCP Ch. 55A are the \$25 fees per non-electronic hearing notice/expunction order notice (starting 1/1/26) as mentioned in previous slides.
- *Note:* This repeal was an error, and they are seeking to reverse it in the special session. If that bill passes, the \$100 fee will go back into effect starting 1/1/26. We will keep you posted.

127

Officeholding

128

Officeholding

HB 5238 – Disruption of Proceedings
Offense

HB 5081 – Personal Identifying
Information

HB 1306 – Benefits for JPs

Bill List

SB 1574 – Centers of Excellence
Program

SB 293 – Judicial Conduct Commission
Procedures

129

HB 5238 – Disruptions of Proceedings Offense

Penal Code § 42.05(a)

- Disrupting Meeting or Procession – Class B Offense
- Expands this to clarify that disrupting virtual proceedings, including by electronic means, is included in this offense.
- This offense is not in justice court jurisdiction but could potentially be relevant if someone commits the offense of disrupting a virtual justice court proceeding.

130

HB 5081 – Personal Identifying Information (Slide 1 of 2)

Government Code Ch. 92; Applies only to covered information posted on a publicly accessible Internet website on/after 9/1/25.

- Protection of Personal Identifying Info of “At-Risk Individuals” (which includes judges, clerks, and employees of courts).
- Prohibits dissemination and display of covered info of an at-risk individual.
- Includes exceptions, remedies, offenses, etc.

131

HB 5081 – Personal Identifying Information (Slide 2 of 2)

Government Code Ch. 92; Applies only to covered information posted on a publicly accessible Internet website on/after 9/1/25.

- 92.001: Definitions, including “at-risk individual” and “covered information”
- 92.002: Prohibited Dissemination of Covered Information
- 92.003: Prohibited Display of Covered Information & 92.004: Duty to Remove Covered Information
 - These apply to covered information available on a publicly accessible Internet website on or after the effective date, regardless of the date on which the information was originally posted.
- 92.005: OCA Procedures
 - To facilitate judge requests for removal of covered information (only mandatory if money appropriated for this purpose).
- 92.006: Prohibited Transfer of Covered Information
- 92.007: Civil Remedies
- 92.008: Criminal Offenses

132

HB 1306 – Benefits for JPs (Slide 1 of 2)

Applies to a claim for benefits or compensation pending on or filed on/after 9/1/25.

- *Government Code § 607.001, .002, .003:* “Death investigation professionals” (JPs, MEs, and death investigators) added to list of ppl who can receive certain benefits if exposed to a contagious disease while conducting/assisting in an inquest.
- *Government Code § 607.004(a-1):* “Death investigation professionals” (JPs, MEs, and death investigators) added to ppl who are entitled to vaccines for any disease they may be exposed to in doing inquests and for which immunization is possible (provided by county or reimbursed).

133

HB 1306 – Benefits for JPs (Slide 2 of 2)

Applies to a claim for benefits or compensation pending on or filed on/after 9/1/25.

- *Government Code § 615.003:* JPs, MEs, and death investigators each added separately to the list of individuals covered by Ch. 615 (*Financial Assistance To Survivors Of Certain Law Enforcement Officers, Fire Fighters, And Others*) – Provides for survivor benefits for certain defined “survivors” of the individual if the individual dies in the line of duty.
- *Labor Code § 504.057:* Expedited provision of and procedures for medical benefits for certain injuries sustained by certain “death investigation professionals” (JPs, MEs, and death investigators) in course/scope of employment.
- *Labor Code § 415.021(c-2):* Incorporates Sec. 504.057 requirements into procedures related to administrative violations under the Texas Worker's Compensation Act.

134

SB 1574 – Centers of Excellence Program

Government Code § 71.040; Applies only to a justice or judge recognized under a centers of excellence program developed by the Texas Judicial Council on/after 9/1/25.

- Charges the Texas Judicial Council with developing a centers of excellence program to recognize and support justices and judges.
- In awarding a center of excellence recognition to a justice or judge, the council must consider:
 - a justice's or judge's governance, access, fairness, case flow management, and court operations; and
 - the compliance of the justice's or judge's court with statutory or procedural requirements for judicial reporting, court security, fee collection, indigent defense, and guardianship fraud and abuse prevention.
- Judges may apply for recognition on a form/in a manner prescribed by the council.

135



Whose court has already completed the Centers of Excellence Program administered by OCA?

Whose court is in the process?

Any tips to share?

More information here:

<https://www.txcourts.gov/programs-services/centers-of-excellence/>

136

SB 293 – Judicial Conduct Commission Procedures (Slide 1 of 6)

- Several changes regarding internal commission procedures and complaint procedures – see Bill Chart handout for the full list of relevant statutes.
- We will cover just a few of the highlights of this bill on the next couple slides.

137

SB 293 – Judicial Conduct Commission Procedures (Slide 2 of 6)

Government Code § 33.02111, 33.02115

- 7-year statute of limitations for complaints (from when the alleged misconduct occurred or complaint knew/should have known about it)
 - Unless the commission determines there is good cause to investigate.
 - Only applies to a complaint filed with the commission on/after 9/1/25.
- New administrative penalty for making a false complaint.
 - 1st time: \$500; 2nd time: \$2,500; After that: \$5K–\$10K
 - Order is public and shall be published on commission's website.

138

SB 293 – Judicial Conduct Commission Procedures (Slide 3 of 6)

Government Code § 33.001(b); Applies only to an allegation of judicial misconduct received by the Commission on/after 9/1/2025, regardless of whether the conduct or act that is the subject of the allegation occurred or was committed before/on/after.

- A couple of things were added to the definition of “willful or persistent conduct that is clearly inconsistent with the proper performance of a judge’s duties:”
 - Wilful, persistent, and unjustifiable failure to timely execute the business of the court, considering the quantity and complexity of the business, including failure to meet deadlines, performance measures or standards, or clearance rate requirements set by statute, administrative rule, or binding court order.
 - Persistent or willful violation of Article 17.15, Code of Criminal Procedure (rules for setting amount of bail).
- As soon as practicable after 9/1/25, the State Commission on Judicial Conduct shall adopt rules to implement this section.

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SB 293 – Judicial Conduct Commission Procedures (Slide 4 of 6)

Government Code § 33.034(j), 33.037

- If the commission issues a public reprimand for persistent or willful violation of CCP 17.15 (rules for setting bail), it shall send notice of the reprimand to numerous officials as listed in Government Code Sec. 33.034(j).
 - Includes the governor; the chief justice of the supreme court; OCA; the reprimanded judge’s administrative presiding judge; and more.
- The commission shall recommend suspension pursuant to 1-a, Art. V of the Texas Constitution not later than 21st day after commission initiates formal proceedings against a judge for persistent/willful violation of CCP 17.15.

140

SB 293 – Judicial Conduct Commission Procedures (Slide 5 of 6)

Government Code § 33.023; Applies only to a complaint filed with the commission on/after 9/1/25.

- Multiple changes to the procedures when there is a complaint alleging physical or mental incapacity, or substance abuse (this one newly added), providing for required mental/physical examination, and providing for suspension pending and after the results of the examination.

141

SB 293 – Judicial Conduct Commission Procedures (Slide 6 of 6)

Government Code § 33.041

- OCA shall establish a judicial directory for purposes of commission notices. Notices may be provided by e-mail.
- As soon as practicable after the effective date of this Act, OCA shall establish the judicial directory required by Section 33.041.

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Other

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Other

Bill List

HB 4238 – Identity Theft

SB 1537 – Interpreters

SB 857 – Tow Hearings

HB 1620 – Non-substantive
Reorganization of CCP, LGC, etc.

HB 1610 – Non-substantive
Reorganization of Inquest Codes

144

HB 4238 – Identity Theft

(Slide 1 of 2)

Finance Code § 392.308

- If a creditor/debt collector receives from a consumer a court order issued under Business and Commerce Code Sec. 521.103 (or substantially similar federal or other state law) declaring the consumer a victim of identity theft:
 - They may not collect on any consumer debt that is a result of the identity theft.
- If they file a court case despite having received such a court order (or if they receive it prior to judgment), the court should enter a judgment for the defendant.
- If the defendant is in the process of getting the necessary court order from a district court but doesn't have it yet, the JP court could abate the case pending the outcome.

145

HB 4238 – Identity Theft

(Slide 2 of 2)

Finance Code § 392.308

- The creditor/debt collector may bring an action to collect the debt against the alleged perpetrator of the identity theft.
- This section does not apply to:
 - consumer debt that is a home loan, as defined by Chapter 343, or
 - the collection of a judgment already obtained.

146

SB 1537 – Interpreters

CCP Art. 38.30(a); Effective 5/30/25

- Clarifies that Government Code Sec. 57.002 (general rules regarding interpreters) applies to the appointment of interpreters in criminal cases along with the provisions in the CCP.
- This was already TJCTC's position, but it is now explicit.
- For more information regarding interpreters, please see TJCTC's Interpreters self-paced module:
 - <https://www.tjctc.org/onlinelearning/selfpacedmodules.html>

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SB 857 – Tow Hearings

Transportation Code § 545.305(a)

- Authorizes officers to tow vehicles operated by a person in violation of Transportation Code Sections 521.021, 521.457, 601.191, or 729.002 (unlicensed or uninsured drivers).

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How would this come up for a JP court?

149

HB 1620 – Non-substantive Reorganization of CCP, LGC, etc.

- Non-substantive reorganization of numerous CCP and LGC provisions.
- Conforming changes made last session by different bills to the same codes.
 - Example: the juvenile diversion bill that was passed last session (which amended CCP Ch. 45) has now been put into CCP Ch. 45A.
- A couple other codes also impacted – related to references to CCP provisions.
- For list of statutes affected, see the Bill Chart handout.

150

HB 1610 – Non-substantive Reorganization of Inquest Codes

Effective 4/1/27

- Non-substantive reorganization of numerous CCP provisions related to inquests, renumbering Ch. 49 into Ch. 49A, among others.
- Conforming amendments related to references in various other statutes.
- For list of statutes affected, see the Bill Chart handout.

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Proposed Constitutional Amendments

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Proposed Constitutional Amendments

SJR 5 – Denial of Bail in Certain
Situations

SJR 27 – Judicial Conduct Commission
Membership and Procedures

Bill List

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Note About Proposed Constitutional Amendments

- *These are not law yet!*
- They will be put up for a general vote on 11/4/25.
- If they pass, we will send out an e-blast with additional information.

154

SJR 5 – Denial of Bail in Certain Situations

Article 1, Sec. 11d; If passes, will take effect once the official vote canvas confirms statewide majority approval.

- The bill lists applicable offenses, procedures for denying bail for those offenses, and procedures/findings for granting bail for those offenses. Also says that at a hearing described by this section, a person is entitled to counsel.
- The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment requiring the denial of bail under certain circumstances to persons accused of certain offenses punishable as a felony."

155

SJR 27 – Judicial Conduct Commission Membership and Procedures (Slide 1 of 2)

Art. V, Section 1-a (multiple subsections); If passes, will take effect 1/1/26.

- Makes numerous changes, including:
 - Makeup/requirements/terms of commission members.
 - Limits when an admonition/warning/reprimand/censure/education requirement can be private instead of public.
 - Adds that if a Master is appointed, they must report to the Supreme Court as well as to the commission.
 - Amends procedures for actions commission can take after formal hearing with a Master.
 - Amends how a tribunal reviewing a removal/retirement recommendation is chosen, adds suspension without pay for a specified period as a possible order, changes may to shall prohibit such person from holding judicial office in the future.

156

SJR 27 – Judicial Conduct Commission Membership and Procedures (Slide 2 of 2)

Art. V, Section 1-a (multiple subsections); If passes, will take effect 1/1/26.

- The ballot shall be printed to provide for voting for or against the proposition: “The constitutional amendment regarding the membership of the State Commission on Judicial Conduct, the membership of the tribunal to review the commission's recommendations, and the authority of the commission, the tribunal, and the Texas Supreme Court to more effectively sanction judges and justices for judicial misconduct.”