

H.B. 2679: Pleas in Jail for Class C Misdemeanors

- Amends Article 45.023, C.C.P.
- A justice or judge of a justice or municipal court may permit a defendant who is detained in jail to enter a plea
- Must comply with the statutory duties of a magistrate and advise of right to trial by jury
- May accept the defendant's plea; assess a fine, determine costs, and accept payment of the fine and costs; give the defendant credit for time served; determine whether the defendant is indigent; or discharge the defendant, as appropriate
- The bill requires a motion for new trial following a plea of guilty or nolo contendere to be made not later than 10 days after the rendition of judgment and sentence, and not afterward, and if the plea was entered while the defendant was detained in jail requires the justice or judge to grant a motion for new trial made under the bill's provisions.

H.B. 1020: Certification of Alcohol Awareness Programs Required for Minors Convicted of or Receiving Deferred Disposition for Certain Alcohol Offenses

- Relates to the certification of alcohol awareness programs required for minors convicted of or receiving deferred disposition for certain alcohol offenses
- Drug and Alcohol Driving Awareness Program (DADAP) is a course that teaches about the dangers of driving after using drugs and/or alcohol
- Authorizes TEA regulated DADAP courses to be deemed as state approved by amending Section 106.115(a) of the Alcoholic Beverage Code
- Minors placed on deferred disposition for certain alcohol offenses may attend either an alcohol awareness course approved by DSHS or a DADAP course approved by TEA

S.B. 181: Verification of Motor Vehicle Financial Responsibility Information on a Wireless Communication Device

- Amends Section 601.053, T.C., to allow a driver to show proof of insurance on a wireless communication device
- Acceptable evidence of financial responsibility when required to provide such evidence on request to a peace officer or a person involved in a collision with the operator
- Prohibits a peace officer who has access to a financial responsibility verification program from issuing a citation for a violation relating to establishing financial responsibility for a motor vehicle unless the officer attempts to verify through the program that financial responsibility has been established for the vehicle and is unable to make that verification
- Does not prevent a court of competent jurisdiction from requiring a person to provide a paper copy of the person's evidence of financial responsibility in a hearing or trial
- Exempts a telecommunications provider from liability to the operator of the motor vehicle for the failure of a wireless communication device to display such financial responsibility information.

H.B. 2090: Written Statements Made by an Accused from a Custodial Interrogation

- Amends Section 1, Article 38.22 of the Code of Criminal Procedure to require a statement signed by or bearing the mark of the accused to be made in a language the accused can read or understand

S.B. 1317: Authority of Retired Municipal Judges to Conduct Marriages; Expiration of Marriage License

- Amends Section 2.202 of the Family Code to include a retired judge of a municipal court and a retired judge or magistrate of a federal court of

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Texas among the persons authorized to conduct a marriage ceremony

- A retired judge is a former judge who is vested in the Judicial Retirement System of Texas Plan One or Two or who has an aggregate of at least 12 years of service as a judge or justice of any type of court listed in Subsection (a)(4) of Section 2.202
- Amends Section 2.201 of the Family Code to provide that the marriage license expires on the 90th day after the license is issued, not the 31st day

H.B. 570: Issuance of a Magistrate's Order for Emergency Protection

- Amends Article 17.292, C.C.P., relating to issuance of a magistrate's order for emergency protection (MOEP)
- Article 17.292(d) provides that the victim of an offense involving family violence or a Penal Code offense under Section 22.011 (Sexual Assault), 22.021 (Aggravated Sexual Assault), or 42.072 (Stalking), need not be present when the MOEP is issued
- Article 17.292(j) provides that a MOEP is effective on issuance, and the defendant is required to be served a copy of the order by the magistrate or the magistrate's designee in person or electronically
- The magistrate must make a separate record of the service in written or electronic format.
- H.B. 570 deletes existing text requiring that the defendant be served a copy of the order in open court.

S.B. 893: Protective Orders and Conditions of Bond in Certain Family Violence, Sexual Assault or Abuse, Stalking or Trafficking Cases

- Amends Article 7A.05, C.C.P. to authorize a court, in issuing a protective order relating to a victim of sexual assault or abuse, stalking, or trafficking, to prohibit the alleged offender from

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communicating in any manner with the protective order applicant or any member of the applicant's family or household except through the applicant's attorney or a person appointed by the court, if the court finds good cause for the prohibition

- Amends Section 38.112, P.C., to make it a Class A misdemeanor to violate an order by communicating in such a manner
- Amends Section 411.042, G.C., to require the bureau of identification and records to collect pertinent information with regard to active protective orders about persons subject bond conditions imposed for the protection of the victim in any family violence, sexual assault or abuse, or stalking case and to require the inclusion of the bond conditions in TCIC

H.B. 3561: Conducting Court Proceedings in Contiguous Incorporated Municipality

- Amends Section 29.104, G.C., to allow a municipality with a population of 3,500 or less to conduct municipal court proceedings within the corporate limits of a contiguous incorporated municipality
- Contiguous is defined by *Black's Law Dictionary* (8th Ed.) as "touching at a point or along a boundary."

S.B. 1419: Juvenile Case Managers and Creation of the Truancy Prevention and Diversion Fund

- Amends Article 45.056, C.C.P., to expand the types of cases for which a juvenile case manager may be employed to include cases involving juvenile offenders referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, and conditions the employment of such a juvenile case manager on the consent of the juvenile and the juvenile's parents or guardians.

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- Authorizes a juvenile case manager employed by a county court, justice court, municipality, or municipal court to provide prevention services to a child considered at risk of entering the juvenile justice system and intervention services to juveniles engaged in misconduct prior to cases being filed, excluding traffic offenses.
- Adds Article 102.015, C.C.P., establishing the Truancy Prevention and Diversion Fund as a dedicated account in the general revenue fund
- The bill requires a person convicted in municipal or justice court of an offense, other than an offense relating to a pedestrian or the parking of a motor vehicle, to pay as a court cost \$2 in addition to other court costs,
- Such court costs are collected in the same manner as other fines or costs and requires an officer collecting the costs to keep separate records of the funds collected as costs under the bill's provisions and to deposit the funds in the county treasury or municipal treasury, as applicable.
- May retain 50 percent of the collected funds for the purpose of operating or establishing a juvenile case manager program, if the county or municipality has either (1) established or is (2) attempting to establish a juvenile case manager program.

S.B. 1620: Communication Access Realtime Translation (CART) Providers

- Amends Sections 57.001 and 57.002, G.C., to allow parties to a court proceeding to request a certified CART provider for an individual who has a hearing impairment in addition to having the option to request a certified court interpreter for such an individual
- This is an alternative to using a certified court interpreter for deaf or hard of hearing persons by instead authorizing the use of a certified CART provider

H.B. 347: Prohibiting Use of a Wireless Communication Device While Operating a Motor Vehicle on School Property

- Provides additional protection to students and staff on school grounds by expanding the current limitations on cell phone use in a school crossing zone to the property of a public elementary, middle, junior high, or high school for which a local authority has designated a school crossing zone
- Cell phone use is only restricted during the time a reduced speed limit is in effect for the school crossing zone. Further, it does not apply to vehicles that are stopped, or to drivers using a hands-free device
- Adds a new Section 545.4252, T.C.
- No signs required to be posted under Section 545.4252, as there are required to be posted at each entrance to the school crossing zone under Section 545.425.
- Interestingly, now drivers can face arrest and prosecution for driving on school property while using a cell phone before they ever enter the school crossing zone where they are given notice that the behavior is an offense

H.B. 1294: Child Passenger Safety Seats; Fine Range and Defense to Prosecution

- Amends Section 545.4121, T.C., to remove as a defense to prosecution that the defendant provides satisfactory evidence to the court that that the defendant possesses an appropriate child passenger safety seat system for each child required to be secured in such a system
- Establishes as a defense to prosecution that the defendant provides satisfactory evidence to the court that, at the time of the offense, (1) the defendant was not arrested or issued a citation for violation of any other offense, (2) the vehicle the defendant was driving was not involved in a

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collision, (3) the defendant did not possess a child passenger safety seat system in the vehicle, and, subsequent to the time of the offense, (4) the defendant obtained an appropriate child passenger safety seat system for each child required to be secured in such a system

- Fixes the penalty at a fine of not less than \$25 and not more than \$250

H.B. 124: Addition of Salvia Divinorum to the Texas Controlled Substances Act

- Amends Section 481.104(a), H.S.C., to add Salvia Divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.
- Does not add unharvested Salvia divinorum growing in its natural state to Penalty Group 3 of the Texas Controlled Substance Act. However, all parts of a harvested plant are included within the Penalty Group
- Can range from a Class A misdemeanor to felony of the first degree
- In cities where the use or sale of the Salvia divinorum plant and its derivatives and extracts has been prohibited by ordinance, city attorneys and municipal judges should be aware that such ordinances may now be preempted by state law