

# Looking Back

## Legislative Review

Robby Chapman  
Director of Clerk Education  
& Program Attorney  
TMCEC



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## Legislative Process

Meets every two years

140 day session

Bills must pass both chambers

Governor has three options

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## Bills by the Numbers

6276 Filed

1322 Passed

44 Vetoed

- 42 on one day
- 2 throughout session

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## Major Issues

1. Local Control
  - Historically
  - Types of bills filed
2. Guns
  - Open carry
  - New requirements for cities
3. Juveniles
  - Truancy
  - Alcohol, drugs, and tobacco

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## Administration

SB 287 Bill of Costs

- Johnson v State (423 S.W.3d 385)

SB 740 Multiple Offenses

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## Administration

HB 786 Right to Breastfeed

- FLSA amended in 2010
- Extends to all public employees
- Chapter 619, Government Code

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## Administration

SB 1369

- New required reporting
- Appointments in Truancy cases under 65.059, Family Code

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## Administration

36.004, GC

In addition to a report required by other state law or rule, the clerk of each court in this state shall prepare a report on court appointments

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## Administration

36.004, GC

For a court that does not make an appointment in the preceding month, the clerk of the court must file a report indicating that no appointment was made

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**OFFICE OF COURT ADMINISTRATION**

DAVID SLAYTON  
Administrative Director

TO: Justice Courts and Municipal Courts  
FROM: Judicial Information Section  
RE: Appointments and Fees Reports beginning September 1, 2016  
DATE: June 3, 2016

Last session, the Texas Legislature passed [Senate Bill 1369](#), which mandates the reporting of appointments of and fees paid to attorneys ad litem, guardians, guardians ad litem, mediators and competency evaluators in any type of case (with some exclusions).

Justice courts and municipal courts are most likely to need to report an appointment of a guardian ad litem or attorney in a truancy case. Many courts will have no activity to report. However, every court in the state must report each month, whether or not the court has any reportable activity. Reporting requirements mandated by SB 1369 go into effect **September 1, 2016**.

A copy of the reporting instructions is attached. The instructions and other materials are posted on the SB 1369 website:

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**Administration**

HB 1396 Priority Docketing

- Unless extraordinary circumstances require otherwise
- Cases with Victim under 14 have preference (32A.01, CCP)

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## Administration

HB 1386 Number of Counsel

SB 534 Attorney Oath

- “conduct oneself with integrity and civility in dealing and communicating with the court and all parties”

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## Court Ordered Class

HB 642 Drugs & Alcohol

- Drug Education Program added for Minor PI and certain offenses under TABC

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## Court Ordered Class

HB 1786 Driving Safety Class

- Oversight of DSC moved from TEA to TDLR
- [tdlr.texas.gov/driver/drivercourseproviders.htm](http://tdlr.texas.gov/driver/drivercourseproviders.htm)

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## Court Ordered Class

SB 97 E-cigarette Awareness

- Basically adds "e-cigarette" everywhere the HSC has "tobacco" for minors
- 161.253, HSC

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## Offense Value Ladder

Theft  
Theft of Service  
Criminal Mischief



See also Green Book  
Pages 74 - 77

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## Offense Value Ladder

Graffiti (28.08)  
Retail Theft (31.16)  
Computer Breach (33.02)



See also Green Book  
Pages 74 - 77

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## Inspection Sticker = Dead

Repealed in 2013 by 83<sup>rd</sup> Legislature  
(Effective March 1, 2015)

See: Robby Chapman, "Vehicle Registration  
and Inspection: One Sticker to Confuse  
Them All?" *The Recorder* (May 2015)

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## TC 548.605 is Alive!

New: Operating Vehicle without  
complying with Requirements as Certified  
(Effective January 1, 2016)

Vehicle must have had certification under  
548.256(b) (Also effective January 1,  
2016)

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## New Offenses

Texas  
Class C &  
Fine-Only  
Misdemeanors



2015

SB 461 Synthetics  
SB 97 E-cigarettes  
HB 975 Raffles  
HB 207 Voyeurism  
HB 1888 CDL TXDL

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## Speaking of Licenses

H.B. 7 – Drivers Responsibility Program (708.103; 708.104, TC)

- DPS will reduce surcharges on compliance for certain offenses

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## Review: Surcharges

Points Based

- \$100 first 6 points
- \$25 each additional

Conviction Based

- \$250 FMFR **\$125**
- \$100 No TXDL **\$50**

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## Gun Bills

HB 910 Class C Trespass

- 30.06/30.07, PC
- Open Carry (Jan. 2016)

SB 273 Cities and License Holders

SB 11 Campus Carry

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## Guns

### Opinions

- KP-0047
- KP-0049

### Request Pending

- RQ-0087-KP (December 28)

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## Roadside Payments

103.0025, CCP

- Court may adopt alternative procedure
- Officer may collect on behalf of the court
- Capias Pro Fines only

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## Dangerous Dogs

Amends 822.0423, HSC

- Addresses the appeal bond
- Stays dog destruction for pendency of appeal

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## Truancy & HB 2398

Five Things to  
Know About  
Truancy

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

(5) \_\_\_\_\_

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## Municipal Court Week

HR 1143: Nov. 7-11, 2016

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## Updated Resources

[www.tmcec.com/truancy](http://www.tmcec.com/truancy)

[www.tmcec.com/ferguson](http://www.tmcec.com/ferguson)

[www.tmcec.com/fines](http://www.tmcec.com/fines)

[www.tmcec.com/resources/recorder](http://www.tmcec.com/resources/recorder)

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## Updated Resources

Publications    Green Book  
                      Judges Book  
                      Bench Book  
                      Forms Book  
                      Code Book  
                      Study Guides

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## Questions?



Robby Chapman  
Director of Clerk Education &  
Program Attorney, TMCEC

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