

# Texas Municipal Courts Education Center

# Bill Book

# 2013

## Legislative Update



LUBBOCK  
August 15, 2013

HOUSTON  
August 20, 2013

AUSTIN  
August 23, 2013



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## AN ACT

relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 7A, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 7A. PROTECTIVE ORDER FOR ~~[CERTAIN]~~ VICTIMS OF ~~[TRAFFICKING OR]~~ SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING

SECTION 2. Article 7A.01(a), Code of Criminal Procedure, as amended by Chapters 1 (S.B. 24) and 135 (S.B. 250), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) The following persons may file an application for a protective order under this chapter without regard to the relationship between the applicant and the alleged offender:

(1) a person who is the victim of an offense under Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;

(2) a person who is the victim of an offense under Section 20A.02 ~~[20A.02(a)(3), (4), (7), or (8)]~~ or ~~[Section]~~ 43.05, Penal Code;

(3) a parent or guardian acting on behalf of a person younger than 17 ~~[18]~~ years of age who is the victim of an offense listed in Subdivision (1);

(4) a parent or guardian acting on behalf of a person younger than 18 years of age who is the victim of an offense listed in Subdivision ~~[or]~~ (2); or

(5) ~~[(4)]~~ a prosecuting attorney acting on behalf of a person described by Subdivision (1) or (2).

SECTION 3. Article 7A.02, Code of Criminal Procedure, is amended to read as follows:

Art. 7A.02. TEMPORARY EX PARTE ORDER. If the court finds from the information contained in an application for a protective order that there is a clear and present danger of sexual assault or abuse, stalking, trafficking, or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may enter a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

SECTION 4. Article 7A.03, Code of Criminal Procedure, as amended by Chapters 135 (S.B. 250) and 238 (H.B. 649), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

Art. 7A.03. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE ORDER. (a) At the close of a hearing on an application for a protective order under this chapter, the court shall find whether there are reasonable grounds to believe that the applicant is the victim of sexual assault or abuse, ~~[or]~~ stalking, or trafficking.

(b) If the court makes a finding described by Subsection (a) ~~[(a)(1) or (2)]~~, the court shall issue a protective order that includes a statement of the required findings.

SECTION 5. Article 7A.07(b), Code of Criminal Procedure, is amended to read as follows:

(b) The following persons may file at any time an application with the court to rescind the protective order:

(1) a victim of an offense listed in Article 7A.01(a)(1) [A victim] who is 17 years of age or older or a parent or guardian acting on behalf of a victim who is younger than 17 years of age; or

(2) a victim of an offense listed in Article 7A.01(a)(2) or a parent or guardian acting on behalf of a victim who is younger than 18 years of age ~~[may file at any time an application with the court to rescind the protective order]~~.

SECTION 6. Section 4(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) A defendant is not eligible for community supervision under this section if the defendant:

(1) is sentenced to a term of imprisonment that exceeds 10 years;

(2) is convicted of a state jail felony for which suspension of the imposition of the sentence occurs automatically under Section 15(a);

(3) does not file a sworn motion under Subsection (e) of this section or for whom the jury does not enter in the verdict a finding that the information contained in the motion is true;

(4) is convicted of an offense for which punishment is increased under Section 481.134(c), (d), (e), or (f),

Health and Safety Code, if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any one of those subsections;

- (5) is convicted of an offense listed in Section 3g(a)(1)(C), (E), or (H), if the victim of the offense was younger than 14 years of age at the time the offense was committed;
- (6) is convicted of an offense listed in Section 3g(a)(1)(D), if the victim of the offense was younger than 14 years of age at the time the offense was committed and the actor committed the offense with the intent to violate or abuse the victim sexually;
- (7) is convicted of an offense listed in Section 3g(a)(1)(J), (L), or (M); or
- (8) is adjudged guilty of an offense under Section 19.02, Penal Code.

SECTION 7. Chapter 48, Code of Criminal Procedure, is amended by adding Article 48.06 to read as follows:

Art. 48.06. EDUCATIONAL MATERIALS CONCERNING PARDONS FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS. (a) The Board of Pardons and Paroles shall develop educational materials specifically for persons convicted of or placed on deferred adjudication community supervision for an offense the person committed solely as a victim of trafficking of persons under Section 20A.02, Penal Code. The board shall include in the educational materials a detailed description of the process by which the person may submit a request to the board for a written signed recommendation advising the governor to grant the person a pardon. (b) The Board of Pardons and Paroles shall post educational materials described by Subsection (a) on the board's Internet website.

SECTION 8. Article 56.32(a), Code of Criminal Procedure, is amended by adding Subdivision (14) to read as follows:

(14) «Trafficking of persons» means any offense that results in a person engaging in forced labor or services and that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code.

SECTION 9. Article 56.42(d), Code of Criminal Procedure, is amended to read as follows:

(d) A victim who is a victim of family violence, a victim of trafficking of persons, or a victim of sexual assault who is assaulted in the victim's place of residence may receive a onetime-only assistance payment in an amount not to exceed:

- (1) \$2,000 to be used for relocation expenses, including expenses for rental deposit, utility connections, expenses relating to the moving of belongings, motor vehicle mileage expenses, and for out-of-state moves, transportation, lodging, and meals; and
- (2) \$1,800 to be used for housing rental expenses.

SECTION 10. Article 56.81, Code of Criminal Procedure, is amended by adding Subdivision (7) to read as follows:

(7) «Trafficking of persons» means any offense that may be prosecuted under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that results in a person:

- (A) engaging in forced labor or services; or
- (B) otherwise becoming a victim of the offense.

SECTION 11. Article 56.82(a), Code of Criminal Procedure, is amended to read as follows:

(a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in maintaining a confidential address.

SECTION 12. Articles 56.83(a), (b), and (e), Code of Criminal Procedure, are amended to read as follows:

(a) To be eligible to participate in the program, an applicant must:

- (1) meet with a victim's assistance counselor from a state or local agency or other entity, whether for-profit or nonprofit that is identified by the attorney general as an entity that provides counseling and shelter services to victims of family violence, trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code;
- (2) file an application for participation with the attorney general or a state or local agency or other entity identified by the attorney general under Subdivision (1);
- (3) designate the attorney general as agent to receive service of process and mail on behalf of the applicant; and
- (4) live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence, trafficking of persons, or an offense under

Section 22.011, 22.021, 25.02, or 42.072, Penal Code.

(b) An application under Subsection (a)(2) must contain:

(1) a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence, the trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code;

(2) the applicant's true residential address and, if applicable, the applicant's business and school addresses; and

(3) a statement by the applicant of whether there is an existing court order or a pending court case for child support or child custody or visitation that involves the applicant and, if so, the name and address of:

(A) the legal counsel of record; and

(B) each parent involved in the court order or pending case.

(e) The attorney general by rule may establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program as stated in Article 56.82(a). The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Subsection (a)(2) independent documentary evidence of family violence, trafficking of persons, or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in the form of:

(1) an active or recently issued protective order;

(2) an incident report or other record maintained by a law enforcement agency or official;

(3) a statement of a physician or other health care provider regarding the applicant's medical condition as a result of the family violence, trafficking of persons, or offense; or

(4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant in addressing the effects of the family violence, trafficking of persons, or offense.

SECTION 13. Section 508.145(d)(1), Government Code, is amended to read as follows:

(1) An inmate serving a sentence for an offense described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H), (I), (J), ~~or~~ (K), (L), or (M), Article 42.12, Code of Criminal Procedure, ~~or for~~ an offense for which the judgment contains an affirmative finding under Section 3g(a)(2) of that article, or ~~for~~ an offense under Section 20A.03, Penal Code, is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

SECTION 14. The heading to Section 38.112, Penal Code, is amended to read as follows:

Sec. 38.112. VIOLATION OF PROTECTIVE ORDER ISSUED ON BASIS OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING.

SECTION 15. Section 43.02, Penal Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) A person commits an offense if the person ~~he~~ knowingly:

(1) offers to engage, agrees to engage, or engages in sexual conduct for a fee; or

(2) solicits another in a public place to engage with the person ~~him~~ in sexual conduct for hire.

(b) An offense is established under Subsection (a)(1) whether the actor is to receive or pay a fee. An offense is established under Subsection (a)(2) whether the actor solicits a person to hire the actor ~~him~~ or offers to hire the person solicited.

(c) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the actor has previously been convicted one or two times of an offense under this section;

(2) a state jail felony if the actor has previously been convicted three or more times of an offense under this section; or

(3) ~~a felony of the third degree if the person solicited is 14 years of age or older and younger than 18 years of age; or~~ ~~(4)~~ a felony of the second degree if the person solicited is younger than 18 ~~14~~ years of age, regardless of whether the actor knows the age of the person solicited at the time the actor commits the offense.

(e) A conviction may be used for purposes of enhancement under this section or enhancement under Subchapter D, Chapter 12, but not under both this section and Subchapter D, Chapter 12. For purposes of enhancement of penalties under this section or Subchapter D, Chapter 12, a defendant is previously convicted of an offense under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION 16. Section 43.03(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if the actor has been previously convicted of an offense under this section; or

(2) a felony of the second degree if the actor engages in conduct described by Subsection (a)(1) or (2) involving a person younger than 18 years of age engaging in prostitution, regardless of whether the actor knows the age of the person at the time the actor commits the offense.

SECTION 17. Section 43.04(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree, except that the offense is a felony of the first degree if the prostitution enterprise uses as a prostitute one or more persons younger than 18 years of age, regardless of whether the actor knows the age of the person at the time the actor commits the offense.

SECTION 18. Section 43.251(c), Penal Code, as amended by Chapters 515 (H.B. 2014) and 938 (H.B. 290), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(c) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the child is younger than 14 years of age at the time the offense is committed.

~~[(1) a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted one time of an offense under this section; and [(2) a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted two or more times of an offense under this section.]~~

SECTION 19. Section 43.23(h), Penal Code, is amended to read as follows:

(h) The punishment for an offense under Subsection (a) or [is increased to the punishment for a felony of the third degree and the punishment for an offense under Subsection] (c) is increased to the punishment for a [state jail] felony of the second degree if it is shown on the trial of the offense that obscene material that is the subject of the offense visually depicts activities described by Section 43.21(a)(1)(B) engaged in by:

(1) a child younger than 18 years of age at the time the image of the child was made;

(2) an image that to a reasonable person would be virtually indistinguishable from the image of a child younger than 18 years of age; or

(3) an image created, adapted, or modified to be the image of an identifiable child.

SECTION 20. Sections 43.26(a) and (h), Penal Code, are amended to read as follows:

(a) A person commits an offense if:

(1) the person knowingly or intentionally possesses, or knowingly or intentionally accesses with intent to view, visual material that visually depicts a child younger than 18 years of age at the time the image of the child was made who is engaging in sexual conduct, including a child who engages in sexual conduct as a victim of an offense under Section 20A.02(a)(5), (6), (7), or (8); and

(2) the person knows that the material depicts the child as described by Subdivision (1).

(h) It is a defense to prosecution under Subsection (a) or (e) that the actor is a law enforcement officer or a school administrator who:

(1) possessed or accessed the visual material in good faith solely as a result of an allegation of a violation of Section 43.261;

(2) allowed other law enforcement or school administrative personnel to possess or access the material only as appropriate based on the allegation described by Subdivision (1); and

(3) took reasonable steps to destroy the material within an appropriate period following the allegation described by Subdivision (1).

SECTION 21. Section 71.02(a), Penal Code, as amended by Chapters 68 (S.B. 934) and 223 (H.B. 260), Acts of



the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, the person commits or conspires to commit one or more of the following:

- (1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, continuous sexual abuse of young child or children, solicitation of a minor, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;
- (2) any gambling offense punishable as a Class A misdemeanor;
- (3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;
- (4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;
- (5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;
- (5-a) causing the unlawful delivery, dispensation, or distribution of a controlled substance or dangerous drug in violation of Subtitle B, Title 3, Occupations Code;
- (6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;
- (7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;
- (8) any felony offense under Chapter 32;
- (9) any offense under Chapter 36;
- (10) any offense under Chapter 34, 35, or 35A;
- (11) any offense under Section 37.11(a);
- (12) any offense under Chapter 20A;
- (13) any offense under Section 37.10;
- (14) any offense under Section 38.06, 38.07, 38.09, or 38.11;
- (15) any offense under Section 42.10;
- (16) any offense under Section 46.06(a)(1) or 46.14; ~~or~~
- (17) any offense under Section 20.05; or
- (18) ~~[(17)]~~ any offense classified as a felony under the Tax Code.

SECTION 22. Chapter 7B, Code of Criminal Procedure, is repealed.

SECTION 23. (a) The changes in law made by this Act in amending Chapter 7A, Code of Criminal Procedure, and repealing Chapter 7B, Code of Criminal Procedure, apply only to a protective order issued on or after the effective date of this Act. A protective order issued before the effective date of this Act is governed by the law in effect on the date the order is issued, and the former law is continued in effect for that purpose.

(b) The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 24. The Board of Pardons and Paroles not later than October 1, 2013, shall post on its Internet website the educational materials described by Article 48.06(a), Code of Criminal Procedure, as added by this Act.

SECTION 25. The change in law made by this Act to Section 43.26, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 26. This Act takes effect September 1, 2013

## AN ACT

relating to the penalty for an offense involving motor vehicle airbags.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 547.614, Transportation Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) Except as provided by Subsections (c), ~~[and]~~ (d), and (e), an offense under this section is a state jail felony ~~[Class A misdemeanor]~~.

(e) An offense under this section is a felony of the first degree if it is shown on the trial of the offense that the offense resulted in the death of a person.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

## AN ACT

relating to a justice or judge having an interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.010 to read as follows:

Sec. 21.010. FINANCIAL INTEREST IN PRIVATE CORRECTIONAL AND REHABILITATION

FACILITIES PROHIBITED. (a) A justice or judge, as applicable, of the supreme court, the court of criminal appeals, a court of appeals, a district court, a county court, a county court at law, or a statutory probate court may not, on the date the person takes office as a justice or judge or while serving as a justice or judge, have a significant interest in a business entity that owns, manages, or operates:

(1) a community residential facility described by Section 508.119;

(2) a correctional or rehabilitation facility subject to Chapter 244, Local Government Code; or

(3) any other facility intended to accomplish a purpose or provide a service described by Section 508.119(a) to a person convicted of a misdemeanor or felony or found to have engaged in delinquent conduct who is housed in the facility:

(A) while serving a sentence of confinement following conviction of an offense or an adjudication of delinquent conduct; or

(B) as a condition of community supervision, probation, parole, or mandatory supervision.

(b) A justice or judge is considered to have a significant interest in a business entity described by Subsection (a) for purposes of this section if:

(1) the justice or judge owns any voting stock or share or has a direct investment in the business entity that represents the lesser of at least 10 percent or \$15,000 of the fair market value of the business entity; or

(2) the justice or judge receives money from the business entity.

(c) A violation of this section by a justice or judge is considered a violation of Canon 4D(1), Code of Judicial Conduct. A justice or judge who has an interest in a business entity that is prohibited by this section must report the interest to the State Commission on Judicial Conduct.

SECTION 2. This Act takes effect January 1, 2015.

## AN ACT

relating to identification numbers on vessels.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.021(b), Parks and Wildlife Code, is amended to read as follows:

(b) No person may operate or give permission for the operation of any vessel or may dock, moor, or store a vessel owned by the person on the water of this state unless:

- (1) the vessel is numbered as required by this chapter;
- (2) the certificate of number awarded to the vessel is in full force and effect; and
- (3) the identifying number set forth in the certificate is properly displayed on ~~[each side of the bow of]~~ the vessel as required by this chapter.

SECTION 2. The heading to Section 31.032, Parks and Wildlife Code, is amended to read as follows:

Sec. 31.032. NUMBERING LOCATION AND VISIBILITY; EXEMPTION; DECAL ~~[ON BOW]~~.

SECTION 3. Section 31.032, Parks and Wildlife Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) The owner of a vessel shall paint on or attach to each side of the forward half of the vessel ~~[near the bow]~~ the identification number and a registration ~~[validation]~~ decal in the manner prescribed by the department. The number shall read from left to right and shall be of block characters of good proportion of not less than three inches in height. The numbers shall be of a color which will contrast with the hull material of the vessel and so maintained as to be clearly visible and legible.

(a-1) On a vessel configured so that a number on the hull or superstructure is not easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(c) The commission shall adopt rules for the placement of the registration ~~[validation]~~ decal in an alternate location for antique boats. In this subsection, “antique boat” means a boat that:

- (1) is used primarily for recreational purposes; and
- (2) was manufactured 35 or more years before the date the registration ~~[validation]~~ decal is issued.

SECTION 4. Sections 31.033(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) No person may paint, attach, or otherwise display on the forward half ~~[either side of the bow]~~ of a vessel a number other than the number awarded to the vessel or granted reciprocity under this chapter.

(b) No person may deface or alter the certificate of number or the number assigned to and appearing on ~~[the bow of]~~ a vessel.

SECTION 5. This Act takes effect September 1, 2013.

**H.B. No. 120**

#### AN ACT

relating to the issuance of military specialty license plates; providing an exemption from a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 504.202(e-1), Transportation Code, is amended to read as follows:

(e-1) Other than license plates issued under Subsection (h), license plates issued under this section to a person also entitled to license plates issued under Section 504.308, 504.315, ~~[or] 504.316,~~ or 504.319 may, at the request of the person, include one emblem from the other license plates to which the person is entitled.

SECTION 2. Section 504.301, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Section 504.702 does not apply to a specialty license plate issued under this subchapter.

SECTION 3. Section 504.3015(a), Transportation Code, is amended to read as follows:

(a) A person applying for a set of license plates under this subchapter shall pay the registration fee required under Chapter 502 and the applicable special plate fee required under this section, except that one set of license plates shall be issued under Section 504.308, ~~[or] 504.315,~~ or 504.319 without the payment of the registration fee.

SECTION 4. Section 504.315(a), Transportation Code, as added by Chapter 709 (H.B. 559), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

(a) The department shall issue specialty license plates for recipients of the Bronze Star Medal and Bronze Star Medal with Valor. License plates issued under this subsection must include the Bronze Star Medal emblem and must include the words “Bronze Star Medal” at the bottom of each plate. License plates issued under this

subsection to recipients of the Bronze Star Medal with Valor that are not personalized must also include the letter “V” as a prefix or suffix to the numerals on each plate. [~~Section 504.702 does not apply to license plates authorized by this subsection.~~]

SECTION 5. Section 504.315(a), Transportation Code, as added by Chapter 460 (S.B. 1755), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 504.315(b), Transportation Code, and amended to read as follows:

~~(b) [(a)]~~ The department shall issue specialty license plates for recipients of the Distinguished Service Medal. License plates issued under this subsection must include the Distinguished Service Medal emblem and the words “Distinguished Service Medal” at the bottom of each plate. [~~Section 504.702 does not apply to license plates authorized by this subsection.~~]

SECTION 6. Section 504.315(h), Transportation Code, is amended to read as follows:

(h) The department shall issue special license plates for recipients of the Silver Star Medal. License plates issued under this subsection must include the Silver Star Medal emblem and must include the words “Silver Star Medal” at the bottom of each plate. [~~Section 504.702 does not apply to license plates authorized by this subsection.~~]

SECTION 7. Subchapter D, Chapter 504, Transportation Code, is amended by adding Section 504.319 to read as follows:

Sec. 504.319. DEFENSE SUPERIOR SERVICE MEDAL RECIPIENTS. The department shall issue specialty license plates for recipients of the Defense Superior Service Medal. License plates issued under this section must include the words “Defense Superior Service Medal” at the bottom of each plate.

SECTION 8. Section 681.008(b), Transportation Code, is amended to read as follows:

(b) A vehicle on which license plates described by Subsection (a)(2) or issued under Section 504.202, 504.315, [~~Section 504.315(a), (c), (d), (e), (f), (g), or (h), or Section~~] 504.316, or 504.319 are displayed is exempt from the payment of a parking fee collected through a parking meter charged by a governmental authority other than a branch of the federal government, when being operated by or for the transportation of:

(1) the person who registered the vehicle under Section 504.202(a), 504.315, [~~Section 504.315(a), (c), (d), (e), (f), (g), or (h), or Section~~] 504.316, or 504.319;

(2) a person described in Section 504.202(b) if the vehicle is registered under that subsection; or

(3) the owner or operator of a vehicle displaying license plates described by Subsection (a)(2).

SECTION 9. This Act takes effect September 1, 2013.

**H.B. No. 124**

## AN ACT

relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 481.104(a), Health and Safety Code, is amended to read as follows:

(a) Penalty Group 3 consists of:

(1) a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

Methylphenidate and its salts; and

Phenmetrazine and its salts;

(2) a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

a substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid not otherwise described by this subsection;

a compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these, and one or more active medicinal ingredients that are not listed in any penalty group;

a suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and approved by the United States Food and Drug Administration for marketing only as a suppository;



Alprazolam;  
Amobarbital;  
Bromazepam;  
Camazepam;  
Chlordiazepoxide;  
Chlorhexadol;  
Clobazam;  
Clonazepam;  
Clorazepate;  
Clotiazepam;  
Cloxazolam;  
Delorazepam;  
Diazepam;  
Estazolam;  
Ethyl loflazepate;  
Fludiazepam;  
Flurazepam;  
Glutethimide;  
Halazepam;  
Haloxzolam;  
Ketazolam;  
Loprazolam;  
Lorazepam;  
Lormetazepam;  
Lysergic acid, including its salts, isomers, and salts of isomers;  
Lysergic acid amide, including its salts, isomers, and salts of isomers;  
Mebutamate;  
Medazepam;  
Methyprylon;  
Midazolam;  
Nimetazepam;  
Nitrazepam;  
Nordiazepam;  
Oxazepam;  
Oxazolam;  
Pentazocine, its salts, derivatives, or compounds or mixtures thereof;  
Pentobarbital;  
Pinazepam;  
Prazepam;  
Quazepam;  
Secobarbital;  
Sulfondiethylmethane;  
Sulfonethylmethane;  
Sulfonmethane;  
Temazepam;  
Tetrazepam;  
Tiletamine and zolazepam in combination, and its salts. (some trade or other names for a tiletamine-zolazepam combination product: Telazol, for tiletamine: 2-(ethylamino)- 2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2- fluorophenyl)-6, 8-dihydro-1,3,8,-trimethylpyrazolo-[3,4- e](1,4)-d diazepin-7(1H)-one, flupyrazapon);  
Triazolam;

Zaleplon;

Zolpidem; and

Zopiclone;

(3) Nalorphine;

(4) a material, compound, mixture, or preparation containing limited quantities of the following narcotic drugs, or any of their salts:

not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and

not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) a material, compound, mixture, or preparation that contains any quantity of the following substances:

Barbital;

Chloral betaine;

Chloral hydrate;

Ethchlorvynol;

Ethinamate;

Meprobamate;

Methohexital;

Methylphenobarbital (Mephobarbital);

Paraldehyde;

Petrichloral; and

Phenobarbital;

(6) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as *Lophophora*, whether growing or not, the seeds of the plant, an extract from a part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts;

(7) unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including the substance's salts, optical, position, or geometric isomers, and salts of the substance's isomers, if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

Benzphetamine;

Cathine [(+)-norpseudoephedrine];

Chlorphentermine;

Clortermine;

Diethylpropion;

Fencamfamin;

Fenfluramine;  
Fenproporex;  
Mazindol;  
Mefenorex;  
Modafinil;  
Pemoline (including organometallic complexes and their chelates);  
Phendimetrazine;  
Phentermine;  
Pipradrol;  
Sibutramine; and  
SPA [(-)-1-dimethylamino-1,2-diphenylethane];  
(8) unless specifically excepted or unless listed in another penalty group, a material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts:  
Dextropropoxyphene (Alpha-(+)-4-dimethylamino- 1,2-diphenyl-3-methyl-2-propionoxybutane); [and]  
(9) an anabolic steroid, including any drug or hormonal substance, or any substance that is chemically or pharmacologically related to testosterone, other than an estrogen, progestin, dehydroepiandrosterone, or corticosteroid, and promotes muscle growth, including the following drugs and substances and any salt, ester, or ether of the following drugs and substances:  
Androstenediol;  
Androstenedione;  
Androstenediol;  
Androstenedione;  
Bolasterone;  
Boldenone;  
Calusterone;  
Clostebol;  
Dehydrochlormethyltestosterone;  
Delta-1-dihydrotestosterone;  
Dihydrotestosterone (4-dihydrotestosterone);  
Drostanolone;  
Ethylestrenol;  
Fluoxymesterone;  
Formebolone;  
Furazabol;  
13beta-ethyl-17beta-hydroxygon-4-en-3-one;  
4-hydroxytestosterone;  
4-hydroxy-19-nortestosterone;  
Mestanolone;  
Mesterolone;  
Methandienone;  
Methandriol;  
Methenolone;  
17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha- androstane;  
17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha- androstane;  
17alpha-methyl-3beta, 17beta-dihydroxyandrost-4- ene;  
17alpha-methyl-4-hydroxynandrolone;  
Methyldienolone;  
Methyltestosterone;  
Methyltrienolone;  
17alpha-methyl-delta-1-dihydrotestosterone;

Mibolerone;  
Nandrolone;  
Norandrostenediol;  
Norandrostenedione;  
Norbolethone;  
Norclostebol;  
Norethandrolone;  
Normethandrolone;  
Oxandrolone;  
Oxymesterone;  
Oxymetholone;  
Stanozolol;  
Stenbolone;  
Testolactone;  
Testosterone;  
Tetrahydrogestrinone; and  
Trenbolone; and

(10) Salvia divinorum, unless unharvested and growing in its natural state, meaning all parts of that plant, whether growing or not, the seeds of that plant, an extract from a part of that plant, and every compound, manufacture, salt, derivative, mixture, or preparation of that plant, its seeds, or extracts, including Salvinorin A.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 195**

#### AN ACT

relating to the availability on the Internet of reports of political expenditures and contributions filed in connection with certain county and municipal offices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 254.0401, Election Code, is amended to read as follows:

Sec. 254.0401. AVAILABILITY OF [ELECTRONIC] REPORTS ON INTERNET.

SECTION 2. Section 254.0401, Election Code, is amended by adding Subsections (a-1) and (c) and amending Subsection (f) to read as follows:

(a-1) The county clerk of a county with a population of 800,000 or more shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with a county office or the office of county commissioner available to the public on the county's Internet website not later than the fifth business day after the date the report is received.

(c) The clerk of a municipality with a population of 500,000 or more shall make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee under this subchapter in connection with the office of mayor or member of the municipality's governing body available to the public on the municipality's Internet website not later than the fifth business day after the date the report is received.

(f) The commission shall clearly state on the Internet website on which reports are provided [~~under Subsection (b)~~] that reports filed by an independent candidate, a third-party candidate, or a specific-purpose committee for supporting or opposing an independent or third-party candidate will not be available if the candidate or committee has not yet filed a report.

SECTION 3. (a) Section 254.0401(b), Election Code, is repealed.

(b) Effective January 1, 2014, Section 176.009(b), Local Government Code, is repealed.

SECTION 4. Section 254.0401, Election Code, as amended by this Act, and Section 176.009, Local Government Code, as amended by this Act, apply only to a report of political contributions and expenditures that is required to be filed under Chapter 254, Election Code, on or after January 1, 2014.

SECTION 5. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

## AN ACT

relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 106.115, Alcoholic Beverage Code, is amended by adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b-1) If the defendant resides in a county with a population of 75,000 or less and access to an alcohol awareness program is not readily available in the county, the court may allow the defendant to take an online alcohol awareness program if the Department of State Health Services approves online courses or require the defendant to perform not less than eight hours of community service related to alcohol abuse prevention or treatment and approved by the Department of State Health Services under Subsection (b-3) instead of attending the alcohol awareness program. Community service ordered under this subsection is in addition to community service ordered under Section 106.071(d).

(b-2) For purposes of Subsection (b-1), if the defendant is enrolled in an institution of higher education located in a county in which access to an alcohol awareness program is readily available, the court may consider the defendant to be a resident of that county. If the defendant is not enrolled in such an institution of higher education or if the court does not consider the defendant to be a resident of the county in which the institution is located, the defendant's residence is the residence listed on the defendant's driver's license or personal identification certificate issued by the Department of Public Safety. If the defendant does not have a driver's license or personal identification certificate issued by the Department of Public Safety, the defendant's residence is the residence on the defendant's voter registration certificate. If the defendant is not registered to vote, the defendant's residence is the residence on file with the public school district on which the defendant's enrollment is based. If the defendant is not enrolled in public school, the defendant's residence is determined as provided by commission rule.

(b-3) The Department of State Health Services shall create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge may sentence a defendant under Subsection (b-1).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

## AN ACT

relating to requiring notice of a hotel's firearms policy and other guest policies; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2155, Occupations Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. FIREARMS POLICY NOTICE

Sec. 2155.101. DEFINITION. In this subchapter, "hotel" has the meaning assigned by Section 156.001, Tax Code.

Sec. 2155.102. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a hotel that has a policy prohibiting or restricting the possession, storage, or transportation of firearms by hotel guests.

Sec. 2155.103. NOTICE REGARDING FIREARMS POLICY. (a) A hotel shall include on the hotel's Internet reservation website the hotel's policy regarding the possession, storage, and transportation of firearms.

(b) If a hotel provides a written confirmation or a written statement of terms and conditions to a consumer after accepting the consumer's hotel reservation by telephone, the hotel shall include information specifying how the consumer may review applicable guest policies. The guest policies must indicate the hotel's policy regarding the possession, storage, and transportation of firearms by guests.

(c) A hotel owner or keeper commits an offense if the person does not comply with this section. An offense

under this subsection is a misdemeanor punishable by a fine of not more than \$100.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 338**

AN ACT

relating to the court in which a hearing regarding the towing of a motor vehicle may be held.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2308.453, Occupations Code, is amended to read as follows:

Sec. 2308.453. JURISDICTION. A hearing under this chapter shall be in any [the] justice court [having- jurisdiction] in:

- (1) the county [precinct] from which the motor vehicle was towed; or
- (2) for booted vehicles, the county [precinct] in which the parking facility is located.

SECTION 2. Section 2308.455, Occupations Code, is amended to read as follows:

Sec. 2308.455. CONTENTS OF NOTICE. The notice under Section 2308.454 must include:

(1) a statement of:

(A) the person's right to submit a request within 14 days for a court hearing to determine whether probable cause existed to remove, or install a boot on, the vehicle;

(B) the information that a request for a hearing must contain; ~~and~~

(C) any filing fee for the hearing; ~~and~~

(D) the person's right to request a hearing in any justice court in:

(i) the county from which the vehicle was towed; or

(ii) for booted vehicles, the county in which the parking facility is located;

(2) the name, address, and telephone number of the towing company that removed the vehicle or the booting company that booted the vehicle;

(3) the name, address, ~~and~~ telephone number, and county of the vehicle storage facility in which the vehicle was placed;

(4) the name, street address including city, state, and zip code, and telephone number of the person, parking facility owner, or law enforcement agency that authorized the removal of the vehicle; and

(5) the name, address, and telephone number of each [the] justice court [having jurisdiction] in the county from [precinct in] which the vehicle was towed or, for booted vehicles, the county in which the parking facility is located, or the address of an Internet website maintained by the Office of Court Administration of the Texas Judicial System that contains the name, address, and telephone number of each justice court in that county [parking facility is located].

SECTION 3. The change in law made by this Act applies only to a cause of action filed on or after the effective date of this Act. A cause of action filed before the effective date of this Act is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 347**

AN ACT

relating to prohibiting using a wireless communication device while operating a motor vehicle on school property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 545.425, Transportation Code, is amended to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE IN A SCHOOL CROSSING ZONE OR WHILE OPERATING A SCHOOL BUS WITH A MINOR PASSENGER; OFFENSE.

SECTION 2. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4252 to read as follows:



Sec. 545.4252. USE OF WIRELESS COMMUNICATION DEVICE ON SCHOOL PROPERTY; OFFENSE.

(a) In this section:

(1) "Hands-free device" has the meaning assigned by Section 545.425.

(2) "Wireless communication device" has the meaning assigned by Section 545.425.

(b) Except as provided by Section 545.425(c), an operator may not use a wireless communication device while operating a motor vehicle on the property of a public elementary, middle, junior high, or high school for which a local authority has designated a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

(1) the vehicle is stopped; or

(2) the wireless communication device is used with a hands-free device.

(c) It is an affirmative defense to prosecution of an offense under this section that the wireless communication device was used to make an emergency call to:

(1) an emergency response service, including a rescue, emergency medical, or hazardous material response service;

(2) a hospital;

(3) a fire department;

(4) a health clinic;

(5) a medical doctor's office;

(6) an individual to administer first aid treatment; or

(7) a police department.

(d) This section does not apply to:

(1) an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or

(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(e) This section preempts all local ordinances, rules, or regulations that are inconsistent with specific provisions of this section adopted by a political subdivision of this state relating to the use of a wireless communication device by the operator of a motor vehicle, except that a political subdivision may by ordinance or rule prohibit the use of a wireless communication device while operating a motor vehicle throughout the jurisdiction of the political subdivision.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

**H.B. No. 434**

AN ACT

relating to the persons authorized to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 724.017, Transportation Code, is amended to read as follows:

Sec. 724.017. TAKING OF BLOOD SPECIMEN.

SECTION 2. Section 724.017, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (c-1), and (c-2) to read as follows:

(a) Only the following [a physician, qualified technician, chemist, registered professional nurse, or licensed vocational nurse] may take a blood specimen at the request or order of a peace officer under this chapter:

(1) a physician;

(2) a qualified technician;

(3) a registered professional nurse;

(4) a licensed vocational nurse; or

(5) a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic authorized to take a blood specimen under Subsection (c).

(a-1) The blood specimen must be taken in a sanitary place.

(c) A licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic may take a blood specimen only if authorized by the medical director for the entity that employs the technician-intermediate or technician-paramedic. The specimen must be taken according to a protocol developed by the medical director that provides direction to the technician-intermediate or technician-paramedic for the taking of a blood specimen at the request or order of a peace officer. In this subsection, "medical director" means a licensed physician who supervises the provision of emergency medical services by a public or private entity that:

(1) provides those services; and

(2) employs one or more licensed or certified emergency medical technician-intermediates or emergency medical technician-paramedics [In this section, "qualified technician" does not include emergency medical services personnel].

(c-1) A protocol developed under Subsection (c) may address whether an emergency medical technician-intermediate or emergency medical technician-paramedic engaged in the performance of official duties is entitled to refuse to:

(1) go to the location of a person from whom a peace officer requests or orders the taking of a blood specimen solely for the purpose of taking that blood specimen;

(2) take a blood specimen if the technician-intermediate or technician-paramedic reasonably believes that complying with the peace officer's request or order to take the specimen would impair or interfere with the provision of patient care or the performance of other official duties; or

(3) provide the equipment or supplies necessary to take a blood specimen.

(c-2) If a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic takes a blood specimen at the request or order of a peace officer, a peace officer must:

(1) observe the taking of the specimen; and

(2) immediately take possession of the specimen for purposes of establishing a chain of custody.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 438**

AN ACT

relating to the courts authorized to issue an occupational driver's license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 521.242(a), (b), and (e), Transportation Code, are amended to read as follows:

(a) A person whose license has been suspended for a cause other than a physical or mental disability or impairment or a conviction under Section 49.04, Penal Code, may apply for an occupational license by filing a verified petition with the clerk of a justice, [the] county, [court] or district court with jurisdiction that includes [in] the precinct or county in which:

(1) the person resides; or

(2) the offense occurred for which the license was suspended.

(b) A person may apply for an occupational license by filing a verified petition only with the clerk of the [county court or district] court in which the person was convicted if:

(1) the person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; and

(2) the person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state.

(e) The clerk of the court shall file the petition as in any other [civil] matter.

SECTION 2. The change in law made by this Act applies only to an occupational driver's license that is applied



for on or after the effective date of this Act. An occupational driver's license applied for before the effective date of this Act is covered by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 455**

AN ACT

relating to excused absences from public school for certain students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.087(b), Education Code, is amended to read as follows:

(b) A school district shall excuse a student from attending school for:

(1) the following purposes, including travel for those purposes:

(A) observing religious holy days;

(B) attending a required court appearance;

(C) appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship;

(D) taking part in a United States naturalization oath ceremony; or

(E) serving as an election clerk; or

(2) a temporary absence resulting from an appointment with health care professionals for the student or the student's child if the [that] student commences classes or returns to school on the same day of the appointment.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 489**

AN ACT

relating to rights and responsibilities of persons with disabilities, including with respect to the use of service animals that provide assistance to those persons; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.023 to read as follows:

Sec. 437.023. SERVICE ANIMALS. (a) A food service establishment, retail food store, or other entity regulated under this chapter may not deny a service animal admittance into an area of the establishment or store or of the physical space occupied by the entity that is open to customers and is not used to prepare food if:

(1) the service animal is accompanied and controlled by a person with a disability; or

(2) the service animal is in training and is accompanied and controlled by an approved trainer.

(b) If a service animal is accompanied by a person whose disability is not readily apparent, for purposes of admittance to a food service establishment, retail food store, or physical space occupied by another entity regulated under this chapter, a staff member of the establishment, store, or entity may only inquire about:

(1) whether the service animal is required because the person has a disability; and

(2) what type of work the service animal is trained to perform.

(c) In this section, "service animal" means a canine that is specially trained or equipped to help a person with a disability. An animal that provides only comfort or emotional support to a person is not a service animal under this section. The tasks that a service animal may perform in order to help a person with a disability must be directly related to the person's disability and may include:

(1) guiding a person who has a visual impairment;

(2) alerting a person who has a hearing impairment or who is deaf;

(3) pulling a wheelchair;

(4) alerting and protecting a person who has a seizure disorder;

(5) reminding a person who has a mental illness to take prescribed medication; and

(6) calming a person who has post-traumatic stress disorder.

SECTION 2. Sections 121.002(1), (4), and (5), Human Resources Code, are amended to read as follows:

(1) “Assistance animal” and “service animal” mean a canine ~~[means an animal]~~ that is specially trained or equipped to help a person with a disability and that ~~[(A)]~~ is used by a person with a disability ~~[who has satisfactorily completed a specific course of training in the use of the animal; and~~

~~[(B) has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type].~~

(4) “Person with a disability” means a person who has:

~~(A) a mental or physical disability;~~

~~(B) an intellectual or developmental disability;~~

~~(C) a ~~[-, including mental retardation,]~~ hearing impairment;~~

~~(D) ~~[-]~~ deafness;~~

~~(E) a ~~[-]~~ speech impairment;~~

~~(F) a ~~[-]~~ visual impairment;~~

~~(G) post-traumatic stress disorder; ~~[-]~~ or~~

~~(H) any health impairment that requires special ambulatory devices or services.~~

(5) “Public facility ~~[facilities]~~” includes a street, highway, sidewalk, walkway, common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation; a hotel, motel, or other place of lodging; a public building maintained by any unit or subdivision of government; a retail business, commercial establishment, or office building to which the general public is invited; a college dormitory or other educational facility; a restaurant or other place where food is offered for sale to the public; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

SECTION 3. Section 121.003, Human Resources Code, is amended by amending Subsections (b), (d), (h), and (i) and adding Subsections (k) and (l) to read as follows:

(b) No common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within the state may refuse to accept as a passenger a person with a disability ~~[solely]~~ because of the person’s disability, nor may a person with a disability be required to pay an additional fare because of his or her use of a service ~~[an assistance]~~ animal, wheelchair, crutches, or other device used to assist a person with a disability in travel.

(d) The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility, and a failure to:

(1) comply with Chapter 469, Government Code ~~[Article 9102, Revised Statutes];~~

(2) make reasonable accommodations in policies, practices, and procedures; or

(3) provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility.

(h) A person with a total or partial disability who has or obtains a service ~~[an assistance]~~ animal is entitled to full and equal access to all housing accommodations provided for in this section, and may not be required to pay extra compensation or make a deposit for the animal but is liable for damages done to the premises by the animal except for reasonable wear and tear.

(i) A service ~~[An assistance]~~ animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer ~~[who is an agent of an organization generally recognized by agencies involved in the rehabilitation of persons who are disabled as reputable and competent to provide training for assistance animals, and/or their handlers].~~

(k) Except as provided by Subsection (l), a person is not entitled to make demands or inquiries relating to the qualifications or certifications of a service animal for purposes of admittance to a public facility except to determine the basic type of assistance provided by the service animal to a person with a disability.

(l) If a person’s disability is not readily apparent, for purposes of admittance to a public facility with a service animal, a staff member or manager of the facility may inquire about:

(1) whether the service animal is required because the person has a disability; and

(2) what type of work or task the service animal is trained to perform.

SECTION 4. Section 121.004, Human Resources Code, is amended to read as follows:

Sec. 121.004. PENALTIES FOR AND DAMAGES RESULTING FROM DISCRIMINATION. (a) A person, including a firm, association, corporation, or other public or private organization, or the agent of the [a] person, ~~[firm, association, corporation, or other organization]~~ who violates a provision of Section 121.003 commits an offense. An offense under this subsection is a misdemeanor punishable by:

(1) a fine of not [less than \$300 or] more than \$300; and

(2) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year [ \$1,000].

(b) In addition to the penalty provided in Subsection (a) ~~[of this section],~~ a person, including a firm, association, corporation, or other public or private organization, or the agent of the [a] person, ~~[firm, association, corporation, or other organization,]~~ who violates the provisions of Section 121.003 ~~[of this chapter]~~ is deemed to have deprived a person with a disability of his or her civil liberties. The person with a disability deprived of his or her civil liberties may maintain a cause of action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least \$300 ~~[\$100]~~ to the person with a disability.

SECTION 5. Section 121.006(a), Human Resources Code, is amended to read as follows:

(a) A person who uses a service [an assistance] animal with a harness or leash of the type commonly used by persons with disabilities who use trained animals, in order to represent that his or her animal is a specially trained service [assistance] animal when training ~~[of the type described in Section 121.002(1)(B) of this chapter]~~ has not in fact been provided, is guilty of a misdemeanor and on conviction shall be punished by:

(1) a fine of not more than \$300; and

(2) 30 hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year [ \$200].

SECTION 6. Section 121.008, Human Resources Code, is amended to read as follows:

Sec. 121.008. DISSEMINATION OF INFORMATION RELATING TO PERSONS WITH DISABILITIES. (a) To ensure maximum public awareness of the policies set forth in this chapter, the governor shall [may] issue a proclamation each year taking suitable public notice of October 15 as White Cane Safety and Service Animal Recognition Day. The proclamation must contain appropriate comment about the significance of various devices and animals used by persons with disabilities to assist them in traveling, and must call to the attention of the public the provisions of this chapter and of other laws relating to the safety and well-being of this state's citizens with disabilities.

(b) The comptroller, the secretary of state, and other state [State] agencies that regularly mail [mailing] forms or information to significant numbers of public facilities and businesses operating within the state shall cooperate with state agencies responsible for the rehabilitation of persons with disabilities by sending information about this chapter to those to whom regular mailings are sent. The information, which must be sent at [only on] the request of state agencies responsible for the rehabilitation of persons with disabilities and at least [not more than] once each year, may be included in regular mailings or sent separately. If sent separately, the cost of mailing is borne by the state rehabilitation agency or agencies requesting the mailing and, regardless of whether sent separately or as part of a regular mailing, the cost of preparing information about this chapter is borne by the state rehabilitation agency or agencies requesting distribution of this information.

SECTION 7. The changes in law made by this Act to Sections 121.004 and 121.006, Human Resources Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. This Act takes effect January 1, 2014.

## AN ACT

relating to the restriction of access to the records and files of a child charged with or convicted of certain fine-only misdemeanor offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 44.2811, Code of Criminal Procedure, is amended to read as follows:

Art. 44.2811. RECORDS RELATING TO CERTAIN [CHILDREN CONVICTED OF] FINE-ONLY MISDEMEANORS COMMITTED BY A CHILD. [~~All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public except as provided under Article 45.0217(b).~~] All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case [child whose conviction] for a fine-only misdemeanor, other than a traffic offense, that is committed by a child and that is appealed [affirmed] are confidential [~~upon satisfaction of the judgment]~~ and may not be disclosed to the public except as provided under Article 45.0217(b).

SECTION 2. The heading to Article 45.0217, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO CHARGES AGAINST OR THE CONVICTION OF A CHILD.

SECTION 3. Article 45.0217(a), Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Article 15.27 and Subsection (b), all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is charged with, is convicted of, is found not guilty of, had a charge dismissed for, or is granted deferred disposition [~~and has satisfied the judgment]~~ for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public.

SECTION 4. Section 58.00711, Family Code, is amended to read as follows:

Sec. 58.00711. RECORDS RELATING TO CHILDREN CHARGED WITH OR CONVICTED OF FINE-ONLY MISDEMEANORS. Except as provided by Article 45.0217(b), Code of Criminal Procedure, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is charged with, is convicted of, is found not guilty of, had a charge dismissed for, or is granted deferred disposition [~~and has satisfied the judgment]~~ for a fine-only misdemeanor offense other than a traffic offense are confidential and may not be disclosed to the public.

SECTION 5. Articles 44.2811 and 45.0217, Code of Criminal Procedure, and Section 58.00711, Family Code, as amended by this Act, apply to an offense committed before, on, or after the effective date of this Act.

SECTION 6. This Act takes effect January 1, 2014.

H.B. No. 555

## AN ACT

relating to certain criminal offenses for violations of the law regulating metal recycling entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1956.040(a-2), Occupations Code, is amended to read as follows:

(a-2) An offense under Subsection (a-1) is a Class A misdemeanor, except that any [punishable by a] fine imposed may not [to] exceed \$10,000. If [-unless] it is shown on trial of an [the] offense under Subsection (a-1) that the person has previously been convicted of a violation of that subsection, [Subsection (a-1), in which event] the offense is a state jail felony.

SECTION 2. Subchapter E, Chapter 1956, Occupations Code, is amended by adding Section 1956.204 to read as follows:

Sec. 1956.204. GENERAL CRIMINAL PENALTY. (a) A person commits an offense if the person violates this chapter or a rule adopted under this chapter, including a rule, charter, or ordinance adopted, an order issued, or a standard imposed by a county, municipality, or political subdivision under Section 1956.003.

(b) An offense under this section is a Class C misdemeanor.



(c) If conduct that constitutes an offense under this section also constitutes an offense under another section in this chapter, the person may be prosecuted only under that other section.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

**H.B. No. 567**

AN ACT

relating to the definition of an authorized emergency vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 541.201(1), Transportation Code, is amended to read as follows:

(1) "Authorized emergency vehicle" means:

(A) a fire department or police vehicle;

(B) a public or private ambulance operated by a person who has been issued a license by the [Texas] Department of State Health Services;

(C) an emergency medical services vehicle:

(i) authorized under an emergency medical services provider license issued by the Department of State Health Services under Chapter 773, Health and Safety Code; and

(ii) operating under a contract with an emergency services district that requires the emergency medical services provider to respond to emergency calls with the vehicle;

(D) a municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;

(E) [~~D~~] a private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;

(F) [~~E~~] an industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the predecessor of the Texas Industrial Emergency Services Board of the State Firemen's and Fire Marshals' Association of Texas;

(G) [~~F~~] a vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines, or organs; or

(H) [~~G~~] a vehicle used for law enforcement purposes that is owned or leased by a federal governmental entity.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 570**

AN ACT

relating to issuance of a magistrate's order for emergency protection.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Articles 17.292(d) and (j), Code of Criminal Procedure, are amended to read as follows:

(d) The victim of the offense need not be present [~~in court~~] when the order for emergency protection is issued.

(j) An order for emergency protection issued under this article is effective on issuance, and the defendant shall be served a copy of the order by the magistrate or the magistrate's designee in person or electronically. The magistrate shall make a separate record of the service in written or electronic format [~~open court~~]. An order for emergency protection issued under Subsection (a) or (b)(1) of this article remains in effect up to the 61st day but not less than 31 days after the date of issuance. An order for emergency protection issued under Subsection (b) (2) of this article remains in effect up to the 91st day but not less than 61 days after the date of issuance. After notice to each affected party and a hearing, the issuing court may modify all or part of an order issued under this

article if the court finds that:

- (1) the order as originally issued is unworkable;
- (2) the modification will not place the victim of the offense at greater risk than did the original order; and
- (3) the modification will not in any way endanger a person protected under the order.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 625**

AN ACT

relating to the penalty for the operation of a vehicle without a license plate.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 504.943, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200. SECTION 2. The

change in law made by this Act applies only to an offense committed on or after the effective date of this Act.

An offense committed before the effective date of this Act is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 694**

AN ACT

relating to access by certain military personnel to juvenile and criminal history information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 58.204(b), Family Code, is amended to read as follows:

(b) On certification of records in a case under Section 58.203, the department may permit access to the information in the juvenile justice information system relating to the case of an individual only:

(1) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code; ~~[or]~~

(2) for research purposes, by the Texas Juvenile Justice Department ~~[Probation Commission, the Texas Youth Commission,]~~ or the Criminal Justice Policy Council; or

(3) with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces.

SECTION 2. Section 58.207, Family Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) On certification of records in a case under Section 58.203, the juvenile court shall order:

(1) that the following records relating to the case may be accessed only as provided by Section 58.204(b):

(A) if the respondent was committed to the Texas Juvenile Justice Department ~~[Youth Commission]~~, records maintained by the department ~~[commission]~~;

(B) records maintained by the juvenile probation department;

(C) records maintained by the clerk of the court;

(D) records maintained by the prosecutor's office; and

(E) records maintained by a law enforcement agency; and

(2) the juvenile probation department to make a reasonable effort to notify the person who is the subject of records for which access has been restricted of the action restricting access and the legal significance of the action for the person, but only if the person has requested the notification in writing and has provided the juvenile probation department with a current address.

(c) Notwithstanding Subsection (b) of this section and Section 58.206(b), with the written permission of the subject of the records, an agency under Subsection (a)(1) may allow military personnel, including a recruiter, of this state or the United States to access juvenile records in the same manner authorized by law for records to

which access has not been restricted under this section.

SECTION 3. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1410 to read as follows:

Sec. 411.1410. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: UNITED STATES ARMED FORCES. (a) In this section, “agency of the United States armed forces” means the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, or the United States Air Force.

(b) Subject to Subsection (c), an agency of the United States armed forces, including a recruiter for the agency, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for enlistment in the United States armed forces.

(c) An agency of the United States armed forces is entitled to criminal history record information under Subsection (b) only if the agency submits to the department a signed statement from the applicant that authorizes the agency to obtain the information.

(d) Criminal history record information obtained by an agency of the United States armed forces under Subsection (b) may not be released to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) An agency of the United States armed forces shall destroy criminal history record information obtained under Subsection (b) after the purpose for which the information was obtained is accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 705**

AN ACT

relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.01(e)(1), Penal Code, is amended to read as follows:

(1) “Emergency services personnel” includes firefighters, emergency medical services personnel as defined by Section 773.003, Health and Safety Code, emergency room personnel, and other individuals who, in the course and scope of employment or as a volunteer, provide services for the benefit of the general public during emergency situations.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 719**

AN ACT

relating to the operation of a golf cart or utility vehicle on a public highway in certain counties; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 551.402, Transportation Code, is amended to read as follows:

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles [~~Transportation~~] may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The Texas Department of Motor Vehicles [~~department~~] may issue license plates for a golf cart [~~only~~] as authorized by Subsection (c) [~~Section 504.510~~].

(c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404.

(d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$10 for the cost of the license plate.

SECTION 2. Section 551.404, Transportation Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) [that borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico] may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

- (1) borders or contains a portion of the Red River;
- (2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or
- (3) is adjacent to a county described by Subdivision (2) and:
  - (A) has a population of less than 30,000; and
  - (B) contains a part of a barrier island that borders the Gulf of Mexico.

SECTION 3. Section 504.510, Transportation Code, is repealed.

SECTION 4. Not later than December 31, 2013, the Texas Department of Motor Vehicles shall establish a procedure for the issuance of license plates for golf carts to be used for operation on a public highway, as required by Section 551.402(c), Transportation Code, as added by this Act.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 798**

AN ACT

relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 53.021, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Subsection (a) does not apply to a person who has been convicted only of an offense punishable as a Class C misdemeanor unless:

- (1) the person is an applicant for or the holder of a license that authorizes the person to possess a firearm; and
- (2) the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by 18 U.S.C. Section 921.

SECTION 2. The change in law made by this Act applies to an application for, or a disciplinary proceeding regarding, a license or other authorization that is pending with a licensing authority on the effective date of this Act or an application filed or a disciplinary proceeding commenced on or after that date.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 802**

AN ACT

relating to the definition of an authorized emergency vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 541.201(1), Transportation Code, is amended to read as follows:

(1) "Authorized emergency vehicle" means:

- (A) a fire department or police vehicle;
- (B) a public or private ambulance operated by a person who has been issued a license by the [Texas] Department of State Health Services;
- (C) a municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;
- (D) a county-owned or county-leased emergency management vehicle that has been designated or authorized by the commissioners court;
- (E) [~~D~~] a private vehicle of a volunteer firefighter or a certified emergency medical services employee or



volunteer when responding to a fire alarm or medical emergency;  
(F) [(E)] an industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the predecessor of the Texas Industrial Emergency Services Board of the State Firemen's and Fire Marshals' Association of Texas;  
(G) [(F)] a vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines, or organs; or  
(H) [(G)] a vehicle used for law enforcement purposes that is owned or leased by a federal governmental entity.  
SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 894**

AN ACT

relating to the use of dealer's license plates on vehicles by independent motor vehicle dealers to transport vehicles to or from a point of sale.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 503.068, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A person may not use a metal dealer's license plate or dealer's temporary tag on:

- (1) a service or work vehicle, except as provided by Subsection (b-1); or
- (2) a commercial vehicle that is carrying a load.

(b-1) An independent motor vehicle dealer or an employee of an independent motor vehicle dealer may use a metal dealer's license plate on a service or work vehicle used to transport a vehicle in the dealer's inventory to or from a point of sale. This subsection does not authorize a person to operate a service or work vehicle as a tow truck, as defined by Section 2308.002, Occupations Code, without a license or permit required by Chapter 2308, Occupations Code.

SECTION 2. The Texas Department of Motor Vehicles shall adopt rules consistent with Section 503.068, Transportation Code, as amended by this Act, not later than December 1, 2013.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 912**

AN ACT

relating to images captured by unmanned aircraft and other images and recordings; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Texas Privacy Act.

SECTION 2. Subtitle B, Title 4, Government Code, is amended by adding Chapter 423 to read as follows:

CHAPTER 423. USE OF UNMANNED AIRCRAFT

Sec. 423.001. DEFINITION. In this chapter, "image" means any capturing of sound waves, thermal, infrared, ultraviolet, visible light, or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property.

Sec. 423.002. NONAPPLICABILITY. (a) It is lawful to capture an image using an unmanned aircraft in this state:

- (1) for purposes of professional or scholarly research and development by a person acting on behalf of an institution of higher education, as defined by Section 61.003, Education Code, including a person who:
  - (A) is a professor, employee, or student of the institution; or
  - (B) is under contract with or otherwise acting under the direction or on behalf of the institution;
- (2) in airspace designated as a test site or range authorized by the Federal Aviation Administration for the purpose of integrating unmanned aircraft systems into the national airspace;
- (3) as part of an operation, exercise, or mission of any branch of the United States military;
- (4) if the image is captured by a satellite for the purposes of mapping;

(5) if the image is captured by or for an electric or natural gas utility:  
(A) for operations and maintenance of utility facilities for the purpose of maintaining utility system reliability and integrity;  
(B) for inspecting utility facilities to determine repair, maintenance, or replacement needs during and after construction of such facilities;  
(C) for assessing vegetation growth for the purpose of maintaining clearances on utility easements; and  
(D) for utility facility routing and siting for the purpose of providing utility service;  
(6) with the consent of the individual who owns or lawfully occupies the real property captured in the image;  
(7) pursuant to a valid search or arrest warrant;  
(8) if the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:  
(A) in immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed an offense, not including misdemeanors or offenses punishable by a fine only;  
(B) for the purpose of documenting a crime scene where an offense, not including misdemeanors or offenses punishable by a fine only, has been committed;  
(C) for the purpose of investigating the scene of:  
(i) a human fatality;  
(ii) a motor vehicle accident causing death or serious bodily injury to a person; or  
(iii) any motor vehicle accident on a state highway or federal interstate or highway;  
(D) in connection with the search for a missing person;  
(E) for the purpose of conducting a high-risk tactical operation that poses a threat to human life; or  
(F) of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities;  
(9) if the image is captured by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state authorities, for the purpose of:  
(A) surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;  
(B) preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency; or  
(C) conducting routine air quality sampling and monitoring, as provided by state or local law;  
(10) at the scene of a spill, or a suspected spill, of hazardous materials;  
(11) for the purpose of fire suppression;  
(12) for the purpose of rescuing a person whose life or well-being is in imminent danger;  
(13) if the image is captured by a Texas licensed real estate broker in connection with the marketing, sale, or financing of real property, provided that no individual is identifiable in the image;  
(14) of real property or a person on real property that is within 25 miles of the United States border;  
(15) from a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception;  
(16) of public real property or a person on that property;  
(17) if the image is captured by the owner or operator of an oil, gas, water, or other pipeline for the purpose of inspecting, maintaining, or repairing pipelines or other related facilities, and is captured without the intent to conduct surveillance on an individual or real property located in this state;  
(18) in connection with oil pipeline safety and rig protection; or  
(19) in connection with port authority surveillance and security.  
(b) This chapter does not apply to the manufacture, assembly, distribution, or sale of an unmanned aircraft.

Sec. 423.003. OFFENSE: ILLEGAL USE OF UNMANNED AIRCRAFT TO CAPTURE IMAGE. (a) A person commits an offense if the person uses an unmanned aircraft to capture an image of an individual or privately owned real property in this state with the intent to conduct surveillance on the individual or property captured in the image.

(b) An offense under this section is a Class C misdemeanor.

(c) It is a defense to prosecution under this section that the person destroyed the image:

(1) as soon as the person had knowledge that the image was captured in violation of this section; and

(2) without disclosing, displaying, or distributing the image to a third party.

(d) In this section, “intent” has the meaning assigned by Section 6.03, Penal Code.

Sec. 423.004. OFFENSE: POSSESSION, DISCLOSURE, DISPLAY, DISTRIBUTION, OR USE OF IMAGE.

(a) A person commits an offense if the person:

(1) captures an image in violation of Section 423.003; and

(2) possesses, discloses, displays, distributes, or otherwise uses that image.

(b) An offense under this section for the possession of an image is a Class C misdemeanor. An offense under this section for the disclosure, display, distribution, or other use of an image is a Class B misdemeanor.

(c) Each image a person possesses, discloses, displays, distributes, or otherwise uses in violation of this section is a separate offense.

(d) It is a defense to prosecution under this section for the possession of an image that the person destroyed the image as soon as the person had knowledge that the image was captured in violation of Section 423.003.

(e) It is a defense to prosecution under this section for the disclosure, display, distribution, or other use of an image that the person stopped disclosing, displaying, distributing, or otherwise using the image as soon as the person had knowledge that the image was captured in violation of Section 423.003.

Sec. 423.005. ILLEGALLY OR INCIDENTALY CAPTURED IMAGES NOT SUBJECT TO DISCLOSURE.

(a) Except as otherwise provided by Subsection (b), an image captured in violation of Section 423.003, or an image captured by an unmanned aircraft that was incidental to the lawful capturing of an image:

(1) may not be used as evidence in any criminal or juvenile proceeding, civil action, or administrative proceeding;

(2) is not subject to disclosure, inspection, or copying under Chapter 552; and

(3) is not subject to discovery, subpoena, or other means of legal compulsion for its release.

(b) An image described by Subsection (a) may be disclosed and used as evidence to prove a violation of this chapter and is subject to discovery, subpoena, or other means of legal compulsion for that purpose.

SECTION 3. The change in law made by this Act applies only to the capture, possession, disclosure, display, distribution, or other use of an image that occurs on or after the effective date of this Act.

SECTION 4. The provisions of this Act or the applications of those provisions are severable as provided by Section 311.032(c), Government Code.

SECTION 5. This Act takes effect September 1, 2013.

**H.B. No. 949**

AN ACT

relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1952.001, Insurance Code, is amended to read as follows:

Sec. 1952.001. APPLICABILITY OF CHAPTER. Except as otherwise provided by this chapter [~~Section 1952.201~~], this chapter applies to an insurer writing automobile insurance in this state, including an insurance company, corporation, reciprocal or interinsurance exchange, mutual insurance company, association, Lloyd’s plan, or other insurer.

SECTION 2. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Section 1952.059 to read as follows:

Sec. 1952.059. REQUIRED PROVISION: COVERAGE FOR CERTAIN VEHICLES ACQUIRED DURING POLICY TERM. (a) This section applies to an insurer authorized to write automobile insurance in this state, including an insurance company, reciprocal or interinsurance exchange, mutual insurance company, capital stock company, county mutual insurance company, Lloyd’s plan, or other entity.

(b) A personal automobile insurance policy must contain a provision defining a covered vehicle in accordance

with this section for a motor vehicle acquired by the insured during the policy term.

(c) Coverage under this section is required only for a vehicle that is:

(1) a private passenger automobile; or

(2) a pickup, utility vehicle, or van with a gross vehicle weight of 25,000 pounds or less that is not used for the delivery or transportation of goods, materials, or supplies, other than samples, unless:

(A) the delivery of the goods, materials, or supplies is not the primary use for which the vehicle is employed; or

(B) the vehicle is used for farming or ranching.

(d) Coverage under this section is required only for a vehicle that is acquired during the policy term and of which the insurer is notified on or before:

(1) the 20th day after the date on which the insured becomes the owner of the vehicle; or

(2) a later date specified by the policy.

(e) Coverage under this section for a vehicle that replaces a covered vehicle shown in the declarations for the policy must be the same as the coverage for the vehicle being replaced. An insured must notify the insurer of a replacement vehicle during the time prescribed by Subsection (d) only if the insured wishes to:

(1) add coverage for damage to the vehicle; or

(2) continue existing coverage for damage to the vehicle after the period prescribed by Subsection (d) expires.

(f) Coverage under this section for a vehicle that is acquired during the policy term in addition to the covered vehicles shown in the declarations for the policy and of which the insurer is notified as prescribed by Subsection (d) must be the broadest coverage provided under the policy for any covered vehicle shown in the declarations.

SECTION 3. The change in law made by this Act applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2014. An insurance policy delivered, issued for delivery, or renewed before January 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

**H.B. No. 970**

#### AN ACT

relating to regulation of cottage food products and cottage food production operations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 437.001, Health and Safety Code, is amended by amending Subdivisions (2-a) and (2-b) and adding Subdivision (3-b) to read as follows:

(2-a) "Baked good" includes cookies, cakes, breads, Danish, donuts, pastries, pies, and other items that are prepared by baking the item in an oven. [~~A baked good does not include a potentially hazardous food item as defined by department rule.~~]

(2-b) "Cottage food production operation" means an individual, operating out of the individual's home, who:

(A) produces at the individual's home, subject to Section 437.0196:

(i) a baked good that is not a potentially hazardous food, as defined by Section 437.0196;

(ii) candy;

(iii) coated and uncoated nuts;

(iv) unroasted nut butters;

(v) fruit butters;

(vi) [;] a canned jam or jelly;

(vii) a fruit pie;

(viii) dehydrated fruit or vegetables, including dried beans;

(ix) popcorn and popcorn snacks;

(x) cereal, including granola;

(xi) dry mix;

(xii) vinegar;

(xiii) pickles;

(xiv) mustard;



(xv) roasted coffee or dry tea;[-] or

(xvi) a dried herb or dried herb mix [for sale at the person's home];

(B) has an annual gross income of \$50,000 or less from the sale of food described by Paragraph (A); [and]  
(C) sells the foods produced under Paragraph (A) only directly to consumers at the individual's home, a farmers' market, a farm stand, or a municipal, county, or nonprofit fair, festival, or event; and

(D) delivers products to the consumer at the point of sale or another location designated by the consumer.

(3-b) "Farm stand" means a premises owned and operated by a producer of agricultural food products at which the producer or other persons may offer for sale produce or foods described by Subdivision (2-b)(A).

SECTION 2. Section 437.0191, Health and Safety Code, is amended to read as follows:

Sec. 437.0191. EXEMPTION FOR COTTAGE FOOD PRODUCTION OPERATIONS. (a) A cottage food production operation is not a food service establishment for purposes of this chapter.

(b) The exemption provided by Subsection (a) does not affect the application of Sections 431.045, 431.0495, and 431.247 authorizing the department or other local health authority to act to prevent an immediate and serious threat to human life or health.

SECTION 3. The heading to Section 437.0192, Health and Safety Code, is amended to read as follows:

Sec. 437.0192. REGULATION OF COTTAGE FOOD PRODUCTION OPERATIONS BY LOCAL GOVERNMENT AUTHORITIES [~~HEALTH DEPARTMENT~~] PROHIBITED; COMPLAINTS.

SECTION 4. Section 437.0192(a), Health and Safety Code, is amended to read as follows:

(a) A local government authority, including a local health department, may not regulate the production of food at a cottage food production operation.

SECTION 5. Sections 437.0193 and 437.0194, Health and Safety Code, are amended to read as follows:

Sec. 437.0193. PACKAGING AND LABELING REQUIREMENTS FOR COTTAGE FOOD PRODUCTION OPERATIONS. (a) Food described by Section 437.001(2-b)(A) sold by a cottage food production operation must be packaged in a manner that prevents product contamination, except that a food item is not required to be packaged if it is too large or bulky for conventional packaging.

(b) The executive commissioner shall adopt rules requiring a cottage food production operation to label all of the foods described in Section 437.001(2-b)(A) that the operation sells to consumers. The label must include:

(1) the name and address of the cottage food production operation; and

(2) a statement that the food is not inspected by the department or a local health department.

(c) For foods not required to be packaged under Subsection (a), the information required to be included on the label under Subsection (b) must be provided to the consumer on an invoice or receipt.

Sec. 437.0194. CERTAIN SALES BY COTTAGE FOOD PRODUCTION OPERATIONS [~~THROUGH THE INTERNET~~] PROHIBITED. A cottage food production operation may not sell any of the foods described in Section 437.001(2-b)(A):

(1) through the Internet;

(2) by mail order; or

(3) at wholesale.

SECTION 6. Chapter 437, Health and Safety Code, is amended by adding Sections 437.0195 and 437.0196 to read as follows:

Sec. 437.0195. PRODUCTION OF COTTAGE FOOD PRODUCTS. (a) An individual who operates a cottage food production operation must have successfully completed a basic food safety education or training program for food handlers accredited under Subchapter D, Chapter 438.

(b) An individual may not process, prepare, package, or handle cottage food products unless the individual:

(1) meets the requirements of Subsection (a);

(2) is directly supervised by an individual described by Subsection (a); or

(3) is a member of the household in which the cottage food products are produced.

Sec. 437.0196. POTENTIALLY HAZARDOUS FOOD; PROHIBITION FOR COTTAGE FOOD

PRODUCTION OPERATIONS. (a) In this section, "potentially hazardous food" means a food that requires time and temperature control for safety to limit pathogen growth or toxin production. The term includes a food that must be held under proper temperature controls, such as refrigeration, to prevent the growth of bacteria that

may cause human illness. A potentially hazardous food may include a food that contains protein and moisture and is neutral or slightly acidic, such as meat, poultry, fish, and shellfish products, pasteurized and unpasteurized milk and dairy products, raw seed sprouts, baked goods that require refrigeration, including cream or custard pies or cakes, and ice products. The term does not include a food that uses potentially hazardous food as ingredients if the final food product does not require time or temperature control for safety to limit pathogen growth or toxin production.

(b) A cottage food production operation may not sell to customers potentially hazardous foods.

SECTION 7. Chapter 211, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. REGULATION OF COTTAGE FOOD PRODUCTION OPERATIONS

Sec. 211.031. DEFINITIONS. In this subchapter, “cottage food production operation” and “home” have the meanings assigned by Section 437.001, Health and Safety Code.

Sec. 211.032. CERTAIN ZONING REGULATIONS PROHIBITED. A municipal zoning ordinance may not prohibit the use of a home for cottage food production operations.

Sec. 211.033. ACTION FOR NUISANCE OR OTHER TORT. This subchapter does not affect the right of a person to bring a cause of action under other law against an individual for nuisance or another tort arising out of the individual’s use of the individual’s home for cottage food production operations.

SECTION 8. Chapter 231, Local Government Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. REGULATION OF COTTAGE FOOD PRODUCTION OPERATIONS

Sec. 231.281. DEFINITIONS. In this subchapter, “cottage food production operation” and “home” have the meanings assigned by Section 437.001, Health and Safety Code.

Sec. 231.282. CERTAIN ZONING REGULATIONS PROHIBITED. A county zoning ordinance may not prohibit the use of a home for cottage food production operations.

Sec. 231.283. ACTION FOR NUISANCE OR OTHER TORT. This subchapter does not affect the right of a person to bring a cause of action under other law against an individual for nuisance or another tort arising out of the individual’s use of the individual’s home for cottage food production operations.

SECTION 9. Notwithstanding Section 437.0195, Health and Safety Code, as added by this Act, an individual operating a cottage food production operation is not required to complete a basic food safety education or training program for food handlers before January 1, 2014.

SECTION 10. This Act takes effect September 1, 2013.

**H.B. No. 978**

AN ACT

relating to the transportation of certain patients to a mental health facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 574.045(a) and (a-1), Health and Safety Code, are amended to read as follows:

(a) The court may authorize, in the following order of priority, the transportation of a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by:

(1) a special officer for mental health assignment certified under Section 1701.404, Occupations Code;  
(2) the facility administrator of the designated mental health facility, unless the administrator notifies the court that facility personnel are not available to transport the patient;

~~(3) [a relative or other responsible person who has a proper interest in the patient’s welfare and who receives no remuneration, except for actual and necessary expenses; [(4)] a representative of the local mental health authority, who shall be reimbursed by the county, unless the representative notifies the court that local mental health authority personnel are not qualified to ensure the safety of the patient during transport;~~

~~(4) [(5)] a qualified transportation service provider selected from the list established and maintained as required by Section 574.0455 by the commissioners court of the county in which the court authorizing the transportation is located; [or]~~

~~(5) [(6)] the sheriff or constable; or~~

~~(6) a relative or other responsible person who has a proper interest in the patient’s welfare and who receives no remuneration, except for actual and necessary expenses.~~

(a-1) A person who under Subsection (a)(1), (2), or (5) [~~(6)~~] is authorized by the court to transport a person to a mental health facility may contract with a qualified transportation service provider that is included on the list established and maintained as required by Section 574.0455 by the commissioners court of the county in which the court is located to provide the transportation authorized by the court.

SECTION 2. Subchapter D, Chapter 574, Health and Safety Code, is amended by adding Section 574.0456 to read as follows:

Sec. 574.0456. TRANSPORTATION OF PATIENT TO ANOTHER STATE. A person may not transport a patient to a mental health facility in another state for court-ordered inpatient mental health services under this chapter unless transportation to that facility is authorized by a court order.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 1009**

#### AN ACT

relating to the creation of a new category of law enforcement officer who shall be designated a school marshal, the training and appointment of certain employees of a school district or open-enrollment charter school as school marshals, and the rights, restrictions, limitations, and responsibilities of school marshals; authorizing the imposition of a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Protection of Texas Children Act.

SECTION 2. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.127 to read as follows:

Art. 2.127. SCHOOL MARSHALS. (a) Except as provided by Subsection (b), a school marshal may make arrests and exercise all authority given peace officers under this code, subject to written regulations adopted by the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code, and only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

(b) A school marshal may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.

(c) A school marshal is not entitled to state benefits normally provided by the state to a peace officer.

(d) A person may not serve as a school marshal unless the person is:

(1) licensed under Section 1701.260, Occupations Code; and

(2) appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school under Section 37.0811, Education Code.

SECTION 3. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0811 to read as follows:

Sec. 37.0811. SCHOOL MARSHALS. (a) The board of trustees of a school district or the governing body of an open-enrollment charter school may appoint not more than one school marshal per 400 students in average daily attendance per campus.

(b) The board of trustees of a school district or the governing body of an open-enrollment charter school may select for appointment as a school marshal under this section an applicant who is an employee of the school district or open-enrollment charter school and certified as eligible for appointment under Section 1701.260, Occupations Code. The board of trustees or governing body may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under that section.

(c) A school marshal appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school may carry or possess a handgun on the physical premises of a school, but only:

(1) in the manner provided by written regulations adopted by the board of trustees or the governing body; and

(2) at a specific school as specified by the board of trustees or governing body, as applicable.

(d) Any written regulations adopted for purposes of Subsection (c) must provide that a school marshal may carry a concealed handgun as described by Subsection (c), except that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach

when conducting the marshal's primary duty. The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible ammunition designed to disintegrate on impact for maximum safety and minimal danger to others.

(e) A school marshal may access a handgun under this section only under circumstances that would justify the use of deadly force under Section 9.32 or 9.33, Penal Code.

(f) A school district or charter school employee's status as a school marshal becomes inactive on:

(1) expiration of the employee's school marshal license under Section 1701.260, Occupations Code;

(2) suspension or revocation of the employee's license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code;

(3) termination of the employee's employment with the district or charter school; or

(4) notice from the board of trustees of the district or the governing body of the charter school that the employee's services as school marshal are no longer required.

(g) The identity of a school marshal appointed under this section is confidential, except as provided by Section 1701.260(j), Occupations Code, and is not subject to a request under Chapter 552, Government Code.

SECTION 4. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.1871 to read as follows:

Sec. 411.1871. NOTICE OF SUSPENSION OR REVOCATION OF CERTAIN LICENSES. The department shall notify the Texas Commission on Law Enforcement Officer Standards and Education if the department takes any action against the license of a person identified by the commission as a person certified under Section 1701.260, Occupations Code, including suspension or revocation.

SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.260 to read as follows:

Sec. 1701.260. TRAINING FOR HOLDERS OF LICENSE TO CARRY CONCEALED HANDGUN; CERTIFICATION OF ELIGIBILITY FOR APPOINTMENT AS SCHOOL MARSHAL. (a) The commission shall establish and maintain a training program open to any employee of a school district or open-enrollment charter school who holds a license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code. The training may be conducted only by the commission staff or a provider approved by the commission.

(b) The commission shall collect from each person who participates in the training program identifying information that includes the person's name, the person's date of birth, the license number of the license issued to the person under Subchapter H, Chapter 411, Government Code, and the address of the person's place of employment.

(c) The training program shall include 80 hours of instruction designed to:

(1) emphasize strategies for preventing school shootings and for securing the safety of potential victims of school shootings;

(2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;

(3) introduce the trainee to effective law enforcement strategies and techniques;

(4) improve the trainee's proficiency with a handgun; and

(5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter.

(d) The commission, in consultation with psychologists, shall devise and administer to each trainee a psychological examination to determine whether the trainee is psychologically fit to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter. The commission may license a person under this section only if the results of the examination indicate that the trainee is psychologically fit to carry out those duties.

(e) The commission shall charge each trainee a reasonable fee to cover the cost to the commission of conducting the program. The commission shall charge each person seeking renewal of a school marshal license a reasonable fee to cover the cost to the commission of renewing the person's license.

(f) The commission shall license a person who is eligible for appointment as a school marshal who:



- (1) completes training under this section to the satisfaction of the commission staff; and
- (2) is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under this section.
- (g) A person's license under this section expires on the first birthday of the person occurring after the second anniversary of the date the commission licenses the person. A renewed school marshal license expires on the person's birth date, two years after the expiration of the previous license.
- (h) A person may renew the school marshal license under this section by:
  - (1) successfully completing a renewal course designed and administered by the commission, which such license renewal training will not exceed 16 hours combined of classroom and simulation training;
  - (2) demonstrating appropriate knowledge on an examination designed and administered by the commission;
  - (3) demonstrating handgun proficiency to the satisfaction of the commission staff; and
  - (4) demonstrating psychological fitness on the examination described in Subsection (d).
- (i) The commission shall revoke a person's school marshal license if the commission is notified by the Department of Public Safety that the person's license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code, has been suspended or revoked. A person whose school marshal license is revoked may obtain recertification by:
  - (1) furnishing proof to the commission that the person's concealed handgun license has been reinstated; and
  - (2) completing the initial training under Subsection (c) to the satisfaction of the commission staff, paying the fee for the training, and demonstrating psychological fitness on the psychological examination described in Subsection (d).
- (j) The commission shall submit the identifying information collected under Subsection (b) for each person licensed by the commission under this section to:
  - (1) the director of the Department of Public Safety;
  - (2) the person's employer, if the person is employed by a school district or open-enrollment charter school;
  - (3) the chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a school district or open-enrollment charter school located within a municipality;
  - (4) the sheriff of the county if the person is employed at a campus of a school district or open-enrollment charter school that is not located within a municipality; and
  - (5) the chief administrator of any peace officer commissioned under Section 37.081, Education Code, if the person is employed at a school district that has commissioned a peace officer under that section.
- (k) The commission shall immediately report the expiration or revocation of a school marshal license to the persons listed in Subsection (j).

(1) Identifying information about a person collected or submitted under this section is confidential, except as provided by Subsection (j), and is not subject to disclosure under Chapter 552, Government Code.

SECTION 6. Section 1701.001, Occupations Code, is amended to read as follows:

Sec. 1701.001. DEFINITIONS. In this chapter:

- (1) "Commission" means the Commission on Law Enforcement Officer Standards and Education.
- (2) "County jailer" means a person employed as a county jail guard under Section 85.005, Local Government Code.
- (3) "Officer" means a peace officer or reserve law enforcement officer.
- (4) "Peace officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, or other law.
- (5) "Public security officer" means a person employed or appointed as an armed security officer by this state or a political subdivision of this state. The term does not include a security officer employed by a private security company that contracts with this state or a political subdivision of this state to provide security services for the entity.
- (6) "Reserve law enforcement officer" means a person designated as a reserve law enforcement officer under Section 85.004, 86.012, or 341.012, Local Government Code, or Section 60.0775, Water Code.
- (7) "Telecommunicator" means a person acknowledged by the commission and employed by or serving a law enforcement agency that performs law enforcement services on a 24-hour basis who receives, processes, and

transmits public safety information and criminal justice data for the agency by using a base radio station on a public safety frequency regulated by the Federal Communications Commission or by another method of communication.

(8) "School marshal" means a person employed and appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school under Article 2.127, Code of Criminal Procedure, and in accordance with and having the rights provided by Section 37.0811, Education Code.

SECTION 7. Section 1701.301, Occupations Code, is amended to read as follows:

Sec. 1701.301. LICENSE REQUIRED. Except as provided by Sections 1701.310 and 1701.311, a person may not appoint a person to serve as an officer, county jailer, school marshal, or public security officer unless the person appointed holds an appropriate license issued by the commission.

SECTION 8. The Commission on Law Enforcement Officer Standards and Education shall establish a school marshal training program as required by Section 1701.260, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 1020**

AN ACT

relating to the certification of alcohol awareness programs required for minors convicted of or receiving deferred disposition for certain alcohol offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 106.115(a), Alcoholic Beverage Code, is amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Department of State Health Services under this section or a drug and alcohol driving awareness program approved by the Texas Education Agency [~~Texas Commission on Alcohol and Drug Abuse~~]. On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend an [the] alcohol awareness program or a drug and alcohol driving awareness program described by this subsection. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to attend an [the] alcohol awareness program or a drug and alcohol driving awareness program described by this subsection. If the defendant is younger than 18 years of age, the court may require the parent or guardian of the defendant to attend the program with the defendant. The Department of State Health Services [~~Texas Commission on Alcohol and Drug Abuse~~]:

(1) is responsible for the administration of the certification of approved alcohol awareness programs;

(2) may charge a nonrefundable application fee for:

(A) initial certification of the approval; or

(B) renewal of the certification;

(3) shall adopt rules regarding alcohol awareness programs approved under this section; and

(4) shall monitor, coordinate, and provide training to a person who provides an alcohol awareness program.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 1043**

AN ACT

relating to the offense of the unauthorized duplication of certain recordings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 641.051, Business & Commerce Code, is amended by adding Subsection (e) to read as

follows:

(e) This section does not apply to a person engaged in radio or television broadcasting who transfers, or causes to be transferred, a recording:

(1) intended for or in connection with a radio or television broadcast; or

(2) for archival purposes.

SECTION 2. The change in law made by this Act to Section 641.051, Business & Commerce Code, does not apply to an offense committed under that section before the effective date of this Act. An offense committed before the effective date of this Act is governed by that section as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 1044**

AN ACT

relating to the operation of all-terrain vehicles and recreational off-highway vehicles; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 63.002, Natural Resources Code, is amended by amending Subdivision (4) and adding Subdivisions (4-a) and (4-b) to read as follows:

(4) "Recreational vehicle" means a dune buggy, marsh buggy, minibike, trail bike, jeep, all-terrain vehicle, recreational off-highway vehicle, or any other mechanized vehicle that is being used for recreational purposes, but does not include a [any] vehicle that is not being used for recreational purposes.

(4-a) "All-terrain vehicle" has the meaning assigned by Section 502.001, Transportation Code.

(4-b) "Recreational off-highway vehicle" has the meaning assigned by Section 502.001, Transportation Code.

SECTION 2. Section 29.001, Parks and Wildlife Code, is amended to read as follows:

Sec. 29.001. DEFINITION. In this chapter, "off-highway vehicle" means:

(1) an all-terrain vehicle, as defined by Section 502.001 [~~663.001~~], Transportation Code;

(2) an off-highway motorcycle;

(3) a recreational off-highway vehicle, as defined by Section 502.001, Transportation Code; and

(4) any other motorized vehicle used for off-highway recreation on:

(A) public land over which the department has authority or on land purchased or leased by the department; or

(B) land acquired or developed under a grant made under Section 29.008 or any other grant program operated or administered by the department.

SECTION 3. Sections 502.140(b) and (e), Transportation Code, are amended to read as follows:

(b) The state, a county, or a municipality may register an all-terrain vehicle or a recreational off-highway vehicle that is owned by the state, county, or municipality for operation on a public beach or highway to maintain public safety and welfare.

(e) An [Operation of an] all-terrain vehicle or recreational off-highway vehicle that is owned by the state, a county, or a municipality and operated in compliance with Section 663.037 does not require registration under Subsection (b).

SECTION 4. Section 663.001, Transportation Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "All-terrain vehicle" has the meaning assigned by Section 502.001 [~~means a motor vehicle that is:~~

~~[(A) equipped with a saddle for the use of:~~

~~[(i) the rider; and~~

~~[(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;~~

~~[(B) designed to propel itself with three or four tires in contact with the ground;~~

~~[(C) designed by the manufacturer for off-highway use by the operator only; and~~

~~[(D) not designed by the manufacturer for farming or lawn care].~~

(1-a) “Beach” means a beach area, publicly or privately owned, that borders the seaward shore of the Gulf of Mexico.

SECTION 5. Section 663.002(a), Transportation Code, is amended to read as follows:

(a) Except as provided by Sections [~~Section~~] 663.037 and 663.0371, Chapter 521 does not apply to the operation or ownership of an all-terrain vehicle registered for off-highway operation.

SECTION 6. Section 663.031, Transportation Code, is amended to read as follows:

Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) A person may not operate an all-terrain vehicle on public property or a beach unless the person:

- (1) holds a safety certificate issued under this chapter or under the authority of another state;
- (2) is taking a safety training course under the direct supervision of a certified all-terrain vehicle safety instructor; or
- (3) is under the direct supervision of an adult who holds a safety certificate issued under this chapter or under the authority of another state.

(b) A person to whom a safety certificate required by Subsection (a) has been issued shall:

- (1) carry the certificate when the person operates an all-terrain vehicle on public property or a beach; and
- (2) display the certificate at the request of any law enforcement officer.

SECTION 7. Sections 663.033(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) An all-terrain vehicle that is operated on public property or a beach must be equipped with:

- (1) a brake system maintained in good operating condition;
- (2) an adequate muffler system in good working condition; and
- (3) a United States Forest Service qualified spark arrester.

(b) An all-terrain vehicle that is operated on public property or a beach must display a lighted headlight and taillight:

- (1) during the period from one-half hour after sunset to one-half hour before sunrise; and
- (2) at any time when visibility is reduced because of insufficient light or atmospheric conditions.

(c) A person may not operate an all-terrain vehicle on public property or a beach if:

- (1) the vehicle has an exhaust system that has been modified with a cutout, bypass, or similar device; or
- (2) the spark arrester has been removed or modified, unless the vehicle is being operated in a closed-course competition event.

SECTION 8. Section 663.034, Transportation Code, is amended to read as follows:

Sec. 663.034. SAFETY APPAREL REQUIRED. A person may not operate, ride, or be carried on an all-terrain vehicle on public property or a beach unless the person wears:

- (1) a safety helmet that complies with United States Department of Transportation standards; and
- (2) eye protection.

SECTION 9. Section 663.035, Transportation Code, is amended to read as follows:

Sec. 663.035. RECKLESS OR CARELESS OPERATION PROHIBITED. A person may not operate an all-terrain vehicle on public property or a beach in a careless or reckless manner that endangers, injures, or damages any person or property.

SECTION 10. Section 663.036, Transportation Code, is amended to read as follows:

Sec. 663.036. CARRYING PASSENGERS. A person may not carry a passenger on an all-terrain vehicle operated on public property or a beach unless the all-terrain vehicle is designed by the manufacturer to transport a passenger.

SECTION 11. Subchapter C, Chapter 663, Transportation Code, is amended by adding Section 663.0371 to read as follows:

Sec. 663.0371. OPERATION ON BEACH. (a) A person may not operate an all-terrain vehicle on a beach except as provided by this section.

(b) A person operating an all-terrain vehicle on a beach must hold and have in the person’s possession a driver’s license issued under Chapter 521 or a commercial driver’s license issued under Chapter 522.

(c) Except as provided by Chapters 61 and 63, Natural Resources Code, an operator of an all-terrain vehicle may drive the vehicle on a beach that is open to motor vehicle traffic.



(d) Except as provided by Chapters 61 and 63, Natural Resources Code, a person who is authorized to operate an all-terrain vehicle that is owned by the state, a county, or a municipality may drive the all-terrain vehicle on any beach if the vehicle is registered under Section 502.140(b).

(e) The Texas Department of Transportation or a county or municipality may prohibit the operation of an all-terrain vehicle on a beach if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

SECTION 12. Section 502.140(c), Transportation Code, is repealed.

SECTION 13. This Act takes effect September 1, 2013.

**H.B. No. 1097**

AN ACT

relating to the amount of a fine for certain traffic offenses committed in a construction or maintenance work zone.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 542.404, Transportation Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), if [H] an offense under this subtitle, other than an offense under Chapter 548 or 552 or Section 545.412 or 545.413, is committed in a construction or maintenance work zone when workers are present and any written notice to appear issued for the offense states on its face that workers were present when the offense was committed:

(1) the minimum fine applicable to the offense is twice the minimum fine that would be applicable to the offense if it were committed outside a construction or maintenance work zone; and

(2) the maximum fine applicable to the offense is twice the maximum fine that would be applicable to the offense if it were committed outside a construction or maintenance work zone.

(c) The fine prescribed by Subsection (a) applies to a violation of a prima facie speed limit authorized by Subchapter H, Chapter 545, only if the construction or maintenance work zone is marked by a sign indicating the applicable maximum lawful speed.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 1106**

AN ACT

relating to the identification and operation of vessels in the waters of this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.003(1), Parks and Wildlife Code, is amended to read as follows:

(1) "Boat" means a vessel not more than 65 feet in length, measured from the tip of the bow in a straight line to the stern [end to end over the deck, excluding sheer].

SECTION 2. Section 31.0341(a), Parks and Wildlife Code, is amended to read as follows:

(a) Each county tax assessor-collector shall award certificates of number under this chapter in the manner prescribed by this chapter and the regulations of the department. ~~[The department shall issue a block or blocks of numbers to each county tax assessor-collector for awarding to applicants on receipt of applications.]~~

SECTION 3. Section 31.039, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), all [AH] ownership records of the department made or kept under this chapter are public records.

(c) An owner identifier as prescribed by 33 C.F.R. Section 174.17 is not a public record.

SECTION 4. Sections 31.040(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) Before the vessel is rented or let for hire, the [The] owner or operator of a vessel livery shall obtain a certificate of number for a vessel [all vessels] being used as a motorboat prior to being rented [motorboats to rent or let for hire].

(b) ~~[To receive certificates of number, the owner of a vessel livery shall apply directly to the department on application forms provided by the department.]~~ The application for the certificate of number under Section

31.024 or for a certificate of title under Section 31.046 must state that the applicant is a vessel livery within the meaning of this chapter [and the facts stated in the application must be sworn before an officer authorized to administer oaths].

SECTION 5. Section 31.047(b), Parks and Wildlife Code, is amended to read as follows:

(b) The form must contain:

(1) the owner's name, [and] address, and owner identifier as prescribed by 33 C.F.R. Section 174.17 [of the owner];

(2) a description of the vessel or outboard motor, including, as appropriate, the manufacturer, make, model, year, length, construction material, manufacturer's or builder's number, hull identification number (HIN), motor number, outdrive number, primary operation purpose, vessel type, propulsion type, engine drive type, fuel, and horsepower;

(3) name and address of purchaser;

(4) date of purchase;

(5) name and address of any security interest owner;

(6) the appropriate affidavit as required by Section 160.042, Tax Code; and

(7) other information required by the department to show the ownership of the vessel or outboard motor, a security interest in the vessel or outboard motor, or a further description of items listed in the subdivision.

SECTION 6. Section 31.049(d), Parks and Wildlife Code, is amended to read as follows:

(d) An original certificate of title bears an assigned title number. A replacement certificate of title consists of a new, printed title that bears a new title number. The previous title number is void when the replacement certificate of title is issued. ["Original" shall be printed on an original certificate of title and "duplicate original" shall be marked on a duplicate of the original certificate.]

SECTION 7. Subchapter C, Chapter 31, Parks and Wildlife Code, is amended by adding Section 31.074 to read as follows:

Sec. 31.074. VISUAL DISTRESS SIGNAL. (a) In this section:

(1) "Coastal waters" means the water that lies within nine nautical miles from the coastline of this state.

(2) "Uninspected passenger vessel" has the meaning assigned by 46 C.F.R. Section 24.10-1.

(3) "Visual distress signal" means a device that is approved and required by the commandant of the United States Coast Guard for the purpose of indicating a vessel in distress, including flares, smoke signals, and non-pyrotechnic signals.

(b) No person may operate on the coastal waters a vessel that is 16 feet or more in length, or any vessel operating as an uninspected passenger vessel, unless the vessel is equipped with readily accessible visual distress signals approved for day and night use in the number required by the commandant of the United States Coast Guard.

(c) Between sunset and sunrise, no person may operate on the coastal waters a vessel less than 16 feet in length unless the vessel is equipped with readily accessible visual distress signals approved for night use in the number required by the commandant of the United States Coast Guard.

(d) No person may operate a vessel on coastal waters unless each visual distress signal required under this section is in serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired.

SECTION 8. This Act takes effect September 1, 2013.

**H.B. No. 1125**

AN ACT

relating to the rights of an accused person in and the written waiver of extradition proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 10, Article 51.13, Code of Criminal Procedure, is amended to read as follows:

Sec. 10. RIGHTS OF ACCUSED PERSON; APPLICATION FOR WRIT OF HABEAS CORPUS. (a)

No person arrested upon such warrant shall be delivered over to the agent whom the Executive Authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of



a court of record in this State, or before a justice of the peace serving a precinct that is located in a county bordering another state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of ~~the~~ ~~[such]~~ court of record shall fix a reasonable time to be allowed the prisoner in [him within] which to apply for a writ of habeas corpus, or the justice of the peace shall direct the prisoner to a court of record for purposes of obtaining such a writ. When ~~the~~ ~~[such-a]~~ writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding State.

(b) Before a justice of the peace who is not an attorney may perform a duty or function permitted by Subsection (a), the justice must take, through the Texas Justice Court Training Center, a training course that focuses on extradition law. The center shall develop a course to satisfy the requirements of this subsection.

(c) Each justice of the peace who performs a duty or function permitted by Subsection (a) shall ensure that the applicable proceeding is transcribed or videotaped and that the record of the proceeding is retained in the records of the court for at least 270 days.

SECTION 2. Section 25a, Article 51.13, Code of Criminal Procedure, is amended to read as follows:

Sec. 25a. WRITTEN WAIVER OF EXTRADITION PROCEEDINGS. (a) Any person arrested in this State charged with having committed any crime in another State or alleged to have escaped from confinement, or broken the terms of his bail, probation, or parole may waive the issuance and service of the warrant provided for in Sections 7 and 8 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge or any court of record within this State, or in the presence of a justice of the peace serving a precinct that is located in a county bordering another state, a writing which states that the arrested person [he] consents to return to the demanding State; provided, however, that before such waiver shall be executed or subscribed by such person the [it shall be the duty of such] judge or justice of the peace shall [to] inform such person of his;

(1) right [rights] to the issuance and service of a warrant of extradition; and

(2) right to obtain a writ of habeas corpus as provided for in Section 10.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor of this State and filed therein. The judge or justice of the peace shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding State, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding State, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding State or of this State.

(b) Before a justice of the peace who is not an attorney may perform a duty or function permitted by Subsection (a), the justice must take, through the Texas Justice Court Training Center, a training course that focuses on extradition law. The center shall develop a course to satisfy the requirements of this subsection.

(c) Each justice of the peace who performs a duty or function permitted by Subsection (a) shall ensure that the applicable proceeding is transcribed or videotaped and that the record of the proceeding is retained in the records of the court for at least 270 days.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 1174**

AN ACT

relating to the penalties for illegally passing a stopped school bus.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.066(c), Transportation Code, is amended to read as follows:

(c) An offense under this section is a misdemeanor punishable by a fine of not less than \$500 [~~\$200~~] or more

than \$1,250 [~~\$1,000~~], except that the offense is:

(1) a misdemeanor punishable by a fine of not less than \$1,000 or more than \$2,000 if the person is convicted of a second or subsequent offense under this section committed within five years of the date on which the most recent preceding offense was committed;

(2) a Class A misdemeanor if the person causes serious bodily injury to another; or

(3) [~~(2)~~] a state jail felony if the person has been previously convicted under Subdivision (2) [~~(1)~~].

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after September 1, 2013.

(b) An offense committed before September 1, 2013, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before September 1, 2013, if any element of the offense was committed before that date.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 1206**

AN ACT

relating to the duties of a law enforcement agency regarding certain children who are reported to be missing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 63.009, Code of Criminal Procedure, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) A local law enforcement agency, on receiving a report of a child missing under the circumstances described by Article 63.001(3)(D) for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child. On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect as defined by Section 261.001, Family Code, the agency:

(1) shall notify the Department of Family and Protective Services; and

(2) may take possession of the child under Subchapter B, Chapter 262, Family Code.

(a-2) The Department of Family and Protective Services, on receiving notice under Subsection (a-1), may initiate an investigation into the allegation of abuse or neglect under Section 261.301, Family Code, and take possession of the child under Chapter 262, Family Code.

SECTION 2. The change in law made by this Act applies only to the report of a missing child made to a law enforcement agency on or after the effective date of this Act. The report of a missing child made to a law enforcement agency before the effective date of this Act is governed by the law in effect when the report was made, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 1222**

AN ACT

relating to venue for certain alleged violations or offenses under the Water Safety Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.126(a), Parks and Wildlife Code, is amended to read as follows:

(a) Venue for an alleged violation or offense under the provisions of this chapter is in the justice court, ~~or~~ county court, ~~or~~ municipal court having jurisdiction where the violation or offense was committed.

SECTION 2. Section 31.126(a), Parks and Wildlife Code, as amended by this Act, applies only to a violation that occurs or an offense that is committed on or after the effective date of this Act. A violation that occurs or an offense that is committed before the effective date of this Act is governed by the law in effect when the violation occurred or the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, a violation occurs or an offense is committed before the effective date of this Act if any element of the violation or offense occurs or is committed before that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

## AN ACT

relating to the offense of making or causing a false alarm or report involving a public or private institution of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 51, Education Code, is amended by adding Section 51.219 to read as follows:

Sec. 51.219. NOTIFICATION OF PENALTY FOR FALSE ALARM OR REPORT. (a) In this section, “institution of higher education” and “private or independent institution of higher education” have the meanings assigned by Section 61.003.

(b) Each institution of higher education and private or independent institution of higher education shall notify all incoming students, as soon as practicable, of the penalty for the offense under Section 42.06, Penal Code, of making a false alarm or report involving a public or private institution of higher education.

(c) Notwithstanding Subsection (b), a private or independent institution of higher education is not required to comply with Subsection (b) if the institution determines that providing notice as required by that subsection is not feasible. This subsection expires August 1, 2014.

(d) Not later than October 1, 2013, each institution of higher education shall notify all enrolled students of the penalty for the offense under Section 42.06, Penal Code, of making a false alarm or report involving a public or private institution of higher education. This subsection expires December 31, 2013.

SECTION 2. Section 42.06(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor unless the false report is of an emergency involving a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public service, in which event the offense is a state jail felony.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

H.B. No. 1294

## AN ACT

relating to the offense of failing to secure a child in a child passenger safety seat system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.412(b), Transportation Code, is amended to read as follows:

(b) An offense under this section is a misdemeanor punishable by a fine of not less [more] than \$25 [for the first offense] and not more than \$250 [for a second or subsequent offense].

SECTION 2. The heading to Section 545.4121, Transportation Code, is amended to read as follows:

Sec. 545.4121. ~~DISMISSAL~~ [DEFENSE]; ~~OBTAINING~~ [POSSESSION OF] CHILD PASSENGER SAFETY SEAT SYSTEM.

SECTION 3. Section 545.4121(b), Transportation Code, is amended to read as follows:

(b) It is a defense to prosecution of an offense to which this section applies that the defendant provides to the court evidence satisfactory to the court that:

(1) at the time of the offense:

(A) the defendant was not arrested or issued a citation for violation of any other offense;

(B) the defendant did not possess a child passenger safety seat system in the vehicle; and

(C) the vehicle the defendant was operating was not involved in an accident; and

(2) subsequent to the time of the offense, the defendant obtained ~~[the defendant possesses]~~ an appropriate child passenger safety seat system for each child required to be secured in a child passenger safety seat system under Section 545.412(a).

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2013.

**H.B. No. 1305**

AN ACT

relating to the criminal penalty for acting as an agent after suspension or revocation of the agent's license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 4005.151(b), Insurance Code, is amended to read as follows:

(b) An offense under this section is a felony of the third degree ~~[punishable by:~~

~~[(1) a fine not to exceed \$5,000;~~

~~[(2) imprisonment for a term of not more than two years; or~~

~~[(3) both fine and imprisonment under this subsection].~~

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 1372**

AN ACT

relating to filling certain vacancies on the governing body of certain home-rule municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 26.045, Local Government Code, is amended to read as follows:

Sec. 26.045. FILLING VACANCY ON GOVERNING BODY OF MUNICIPALITY WITH POPULATION OF 1.5 MILLION OR MORE. (a) Except as provided by Subsection (b), if [H] a vacancy occurs on the governing body of a municipality with a population of 1.5 million or more and more than 270 days remain before the date of the next general election of members of the governing body, the governing body shall order a special election in the district in which the vacancy occurred, or in the entire municipality if the vacancy occurred in an at-large position, to fill the vacancy. The special election shall be held on an authorized uniform election date prescribed by the Election Code that occurs before the general election and that allows enough time to hold the election in the manner required by law and shall be conducted in the same manner as the municipality's general election except as provided by provisions of the Election Code applicable to special elections to fill vacancies.

(b) This section does not apply to a municipality that has provided by charter or charter amendment a different procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.

SECTION 2. This Act takes effect on the date on which the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

**H.B. No. 1421**

AN ACT

relating to the disposition of certain seized weapons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:



SECTION 1. Article 18.19, Code of Criminal Procedure, is amended by amending Subsections (c), (d), and (e) and adding Subsection (d-1) to read as follows:

(c) If there is no prosecution or conviction for an offense involving the weapon seized, the magistrate to whom the seizure was reported shall, before the 61st day after the date the magistrate determines that there will be no prosecution or conviction, notify in writing the person found in possession of the weapon that the person is entitled to the weapon upon written request to the magistrate. The magistrate shall order the weapon returned to the person found in possession before the 61st day after the date the magistrate receives a request from the person. If the weapon is not requested before the 61st day after the date of notification, the magistrate shall, before the 121st day after the date of notification, order the weapon destroyed, sold at public sale by the law enforcement agency holding the weapon or by an auctioneer licensed under Chapter 1802, Occupations Code, or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the magistrate. If the magistrate does not order the return, destruction, sale, or forfeiture of the weapon within the applicable period prescribed by this subsection, the law enforcement agency holding the weapon may request an order of destruction, sale, or forfeiture of the weapon from the magistrate. Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a weapon at public sale under this subsection. Proceeds from the sale of a seized weapon under this subsection shall be transferred, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f), followed by the deduction of auction costs, to the law enforcement agency holding the weapon.

(d) A person either convicted or receiving deferred adjudication under Chapter 46, Penal Code, is entitled to the weapon seized upon request to the court in which the person was convicted or placed on deferred adjudication. However, the court entering the judgment shall order the weapon destroyed, sold at public sale by the law enforcement agency holding the weapon or by an auctioneer licensed under Chapter 1802, Occupations Code, or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the court if:

- (1) the person does not request the weapon before the 61st day after the date of the judgment of conviction or the order placing the person on deferred adjudication;
- (2) the person has been previously convicted under Chapter 46, Penal Code;
- (3) the weapon is one defined as a prohibited weapon under Chapter 46, Penal Code;
- (4) the offense for which the person is convicted or receives deferred adjudication was committed in or on the premises of a playground, school, video arcade facility, or youth center, as those terms are defined by Section 481.134, Health and Safety Code; or
- (5) the court determines based on the prior criminal history of the defendant or based on the circumstances surrounding the commission of the offense that possession of the seized weapon would pose a threat to the community or one or more individuals.

(d-1) Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a weapon at public sale under Subsection (d). Proceeds from the sale of a seized weapon under Subsection (d) shall be transferred, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f), followed by the deduction of auction costs, to the law enforcement agency holding the weapon.

(e) If the person found in possession of a weapon is convicted of an offense involving the use of the weapon, before the 61st day after the date of conviction the court entering judgment of conviction shall order destruction of the weapon, sale at public sale by the law enforcement agency holding the weapon or by an auctioneer licensed under Chapter 1802, Occupations Code, or forfeiture to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the court. If the court entering judgment of conviction does not order the destruction, sale, or forfeiture of the weapon within the period prescribed by this subsection, the law enforcement agency holding the weapon may request an order of destruction, sale, or forfeiture of the weapon from a magistrate. Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a weapon at public sale under this subsection. Proceeds from the sale of a seized weapon under this subsection shall be transferred, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f), followed by the deduction of auction costs, to the law enforcement agency holding the weapon.

SECTION 2. This Act takes effect September 1, 2013.



## AN ACT

relating to certain notices, reports, and descriptions provided by or filed with court and county clerks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 46C.003, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.003. VICTIM NOTIFICATION OF RELEASE. If the court issues an order that requires the release of an acquitted person on discharge or on a regimen of outpatient care, the clerk of the court issuing the order, using the information provided on any victim impact statement received by the court under Article 56.03 or other information made available to the court, shall notify the victim or the victim's guardian or close relative of the release. Notwithstanding Article 56.03(f), the clerk of the court may inspect a victim impact statement for the purpose of notification under this article. On request, a victim assistance coordinator may provide the clerk of the court with information or other assistance necessary for the clerk to comply with this article.

SECTION 2. Section 58.110(c), Family Code, is amended to read as follows:

(c) The clerk of the court exercising jurisdiction over a juvenile offender's case shall report the disposition of the case to the department. ~~[A clerk of the court who violates this subsection commits an offense. An offense under this subsection is a Class C misdemeanor.]~~

SECTION 3. Section 85.042(a-1), Family Code, is amended to read as follows:

(a-1) This subsection applies only if the respondent, at the time of issuance of an original or modified protective order under this subtitle, is a member of the state military forces or is serving in the armed forces of the United States in an active-duty status and the applicant or the applicant's attorney provides to the clerk of the court the mailing address of the staff judge advocate or provost marshal, as applicable. In addition to complying with Subsection (a), the clerk of the court shall also provide a copy of the protective order and the information described by that subsection to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation to which the respondent is assigned with the intent that the commanding officer will be notified, as applicable.

SECTION 4. Section 402.010, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) In an action in which a party to the litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state, the party shall file the form required by Subsection (a-1). The court shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional challenge ~~[question]~~ and a copy of the petition, motion, or other pleading that raises the challenge on the attorney general either by certified or registered mail or electronically to an e-mail address designated by the attorney general for the purposes of this section ~~[-Notice under this section must identify the statute in question, state the basis for the challenge, and specify the petition, motion, or other pleading that raises the challenge].~~

(a-1) The Office of Court Administration of the Texas Judicial System shall adopt the form that a party challenging the constitutionality of a statute of this state must file with the court in which the action is pending indicating which pleading should be served on the attorney general in accordance with this section.

(c) A party's failure to file as required by Subsection (a) or a court's failure to [file or] serve notice as required by Subsection (a) does not deprive the court of jurisdiction or forfeit an otherwise timely filed claim or defense based on the challenge to the constitutionality of a statute of this state.

SECTION 5. Sections 363.064(b) and (c), Health and Safety Code, are amended to read as follows:

(b) If the boundaries of a municipal solid waste unit that is no longer operating are known to be wholly on an identifiable tract, the council of governments for the area in which the former landfill unit is located shall notify the owner of land that overlays the former landfill unit of the former use of the land and shall notify the county clerk of the county or counties in which the former landfill unit is located of the former use. The notice to the county clerk must include:

(1) a description of the exact boundaries of the former landfill unit or, if the exact boundaries are not known, the best approximation of each unit's boundaries;

(2) a legal description of the parcel or parcels of land in which the former landfill unit is located;

(3) notice of the former landfill unit's former use; and

(4) notice of the restrictions on the land imposed by this subchapter. [The notice requirements of this subsection do not apply if the exact boundaries of a former landfill unit are not known.]

(c) The county clerk shall record the descriptions and notices submitted by a council of governments under Subsection (b). The county clerk may prescribe the method of arranging and indexing the descriptions and notices [on the deed records of land formerly used as a municipal solid waste landfill a description of the exact boundaries of the former landfill unit, or, if the exact boundaries are not known, the best approximation of each unit's boundaries, together with a legal description of the parcel or parcels of land in which the former landfill unit is located, notice of its former use, and notice of the restrictions on the development or lease of the land imposed by this subchapter]. The county clerk shall make the descriptions and notices [records] available for public inspection.

SECTION 6. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. The changes in law made by this Act apply only to a notice, report, description, petition, motion, or other pleading provided or filed on or after the effective date of this Act.

SECTION 8. This Act takes effect September 1, 2013.

**H.B. No. 1448**

AN ACT

relating to the use of money deposited to a justice court technology fund in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 102.0173, Code of Criminal Procedure, is amended by adding Subsection (f) to read as follows:

(f) A justice court may, subject to the approval of the commissioners court, use a fund designated by this article to assist a constable's office or other county department with a technological enhancement, or cost related to the enhancement, described by Subsection (d)(1) or (2) if the enhancement directly relates to the operation or efficiency of the justice court. This subsection applies only to a county that:

(1) has a population of 125,000 or more;

(2) is not adjacent to a county of two million or more;

(3) contains a portion of the Guadalupe River; and

(4) contains a portion of Interstate Highway 10.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 1479**

AN ACT

relating to establishing a committee in certain counties to recommend a uniform truancy policy.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0916 to read as follows:

Sec. 25.0916. UNIFORM TRUANCY POLICIES IN CERTAIN COUNTIES. (a) This section applies only to a county:

(1) with a population greater than 1.5 million; and

(2) that includes at least:

(A) 15 school districts with the majority of district territory in the county; and

(B) one school district with a student enrollment of 50,000 or more and an annual dropout rate spanning grades 9-12 of at least five percent, computed in accordance with standards and definitions adopted by the National Center for Education Statistics of the United States Department of Education.

(b) A committee shall be established to recommend a uniform truancy policy for each school district located in

the county.

(c) Not later than September 1, 2013, the county judge and the mayor of the municipality in the county with the greatest population shall each appoint one member to serve on the committee as a representative of each of the following:

(1) a juvenile district court;

(2) a municipal court;

(3) the office of a justice of the peace;

(4) the superintendent or designee of an independent school district;

(5) an open-enrollment charter school;

(6) the office of the district attorney; and

(7) the general public.

(d) Not later than September 1, 2013, the county judge shall appoint to serve on the committee one member from the house of representatives and one member from the senate who are members of the respective standing legislative committees with primary jurisdiction over public education.

(e) The county judge and mayor of the municipality in the county with the greatest population shall:

(1) both serve on the committee or appoint representatives to serve on their behalf; and

(2) jointly appoint a member of the committee to serve as the presiding officer.

(f) Not later than September 1, 2014, the committee shall recommend:

(1) a uniform process for filing truancy cases with the judicial system;

(2) uniform administrative procedures;

(3) uniform deadlines for processing truancy cases;

(4) effective prevention, intervention, and diversion methods to reduce truancy and referrals to a county, justice, or municipal court;

(5) a system for tracking truancy information and sharing truancy information among school districts and open-enrollment charter schools in the county; and

(6) any changes to statutes or state agency rules the committee determines are necessary to address truancy.

(g) Compliance with the committee recommendations is voluntary.

(h) The committee's presiding officer shall issue a report not later than December 1, 2015, on the implementation of the recommendations and compliance with state truancy laws by a school district located in the county.

(i) This section expires January 1, 2016.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 1494**

AN ACT

relating to certain regulatory programs administered by the Department of Agriculture; providing penalties; imposing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 3. REGULATION OF WEIGHTS AND MEASURES

SECTION 3.01. Section 13.001(a), Agriculture Code, is amended to read as follows:

(a) In this chapter:

(1) “Commercial weighing or measuring device” means a weighing or measuring device used in a commercial transaction [“Weight or measure of a commodity” means the weight or measure of a commodity as determined by a weighing or measuring device].

(2) “Operator” or “user” means a person in possession or control of a weighing or measuring device.

(3) “Sell” includes barter or exchange.

(4) ~~[(3)]~~ “Weighing or measuring device” means[:  
~~[(A)]~~ a scale[;] or

~~[(B)]~~ a mechanical or electronic device used to dispense or deliver a commodity by weight, volume, flow rate, or other measure or to compute the charge for a service.

(5) "Weight or measure of a commodity" means the weight or measure of a commodity as determined by a weighing or measuring device.

SECTION 3.02. Section 13.007, Agriculture Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) A person who violates Subchapter B or C ~~[this chapter]~~ or a rule adopted under Subchapter B or C ~~[this chapter]~~ is liable to the state for a civil penalty not to exceed \$500 for each violation. Each day a violation continues may be considered a separate violation for purposes of a civil penalty assessment.

(e) The department and the attorney general may each recover reasonable expenses incurred in obtaining injunctive relief and civil penalties under this section, including investigative costs, court costs, reasonable attorney's fees, witness fees, and deposition expenses. The expenses recovered by the department may be appropriated only to the department for the administration and enforcement of this chapter. The expenses recovered by the attorney general may be appropriated only to the attorney general.

SECTION 3.03. Section 13.021(b), Agriculture Code, is amended to read as follows:

(b) The department may adopt rules for the purpose of administering this subchapter and bringing about uniformity between the standards established under this subchapter and the standards established by federal law.

~~[A person who violates a rule adopted under this subsection commits an offense.]~~

SECTION 3.04. Section 13.024, Agriculture Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) ~~[The barrel consists of 31-1/2 gallons. A hogshead consists of two barrels.]~~ Except as provided by Subsections ~~[Subsection]~~ (c) and (d), ~~[of this section]~~ all other measures of capacity for liquids are derived from the gallon by continual division by two, making half gallons, quarts, pints, half pints, and gills.

(d) For purposes of the retail sale of motor fuel only, the liquid gallon contains 231 cubic inches without adjustment based on the temperature of the liquid.

SECTION 3.05. Section 13.027(b), Agriculture Code, is amended to read as follows:

(b) A person violates this chapter ~~[commits an offense]~~ if the person fails or refuses to comply with the rules adopted under this section.

SECTION 3.06. Section 13.031(f), Agriculture Code, is amended to read as follows:

(f) A person violates this chapter ~~[commits an offense]~~ if, in violation of this section, the person sells a liquid commodity by other than liquid measure or a commodity that is not liquid by a measure other than length, weight, or numerical count.

SECTION 3.07. Section 13.033, Agriculture Code, is amended to read as follows:

Sec. 13.033. SALE OF MILK OR CREAM IN NONSTANDARD CONTAINER. A person violates this chapter ~~[commits an offense]~~ if the person sells or keeps, offers, or exposes for sale milk or cream in bottles or other containers of a capacity other than one of the standard liquid measures provided for by Section 13.024 ~~[of this code]~~.

SECTION 3.08. Section 13.034(d), Agriculture Code, is amended to read as follows:

(d) A person violates this chapter ~~[commits an offense]~~ if, in violation of this section, the person sells or keeps, offers, or exposes for sale cheese, meat, or a meat food product by a measure other than standard net weight.

SECTION 3.09. Section 13.035(b), Agriculture Code, is amended to read as follows:

(b) A person violates this chapter ~~[commits an offense]~~ if the person:

- (1) misrepresents the price of a commodity, item, or service sold or offered or exposed for sale; or
- (2) represents the price or the quantity of a commodity, item, or service sold or offered or exposed for sale in a manner intended or tending to mislead or deceive an actual or prospective customer.

SECTION 3.10. Section 13.036, Agriculture Code, is amended to read as follows:

Sec. 13.036. FALSE REPRESENTATION OF COMMODITY QUANTITY. A person violates this chapter ~~[commits an offense]~~ if the person or the person's servant or agent:

- (1) sells or offers or exposes for sale a quantity of a commodity or service that is less than the quantity the person represents; or



(2) as a buyer furnishing the weight or measure of a commodity or service by which the amount of the commodity or service is determined, takes or attempts to take more than the quantity the person represents.

SECTION 3.11. Section 13.037(a), Agriculture Code, is amended to read as follows:

(a) A person commits an offense if the person or the person's servant or agent knowingly uses an incorrect weighing or measuring device in:

- (1) buying or selling a commodity;
- (2) computing a charge for services rendered on the basis of weight or measure; or
- (3) determining the weight or measure of a commodity, if a charge is made for the determination.

SECTION 3.12. Section 13.038, Agriculture Code, is amended to read as follows:

Sec. 13.038. SALE OF COMMODITY IN VIOLATION OF SUBCHAPTER. A person violates this chapter [~~commits an offense~~] if the person or the person's servant or agent sells or keeps, offers, or exposes for sale a commodity in violation of this subchapter.

SECTION 3.14. Section 13.041, Agriculture Code, is amended to read as follows:

Sec. 13.041. PENALTIES; DEFENSE. (a) An offense under Section [~~13.021, 13.027, 13.029, or each of Sections~~] 13.030, 13.032, 13.037, or [~~through~~] 13.039 [~~of this code~~] is a Class C misdemeanor.

(b) It is a defense to prosecution or to the imposition of a civil or administrative penalty for a violation of [~~under~~] Sections 13.030-13.038 [~~of this code~~] that a discrepancy between the actual weight or volume at the time of sale to a consumer and the weight marked on the container or a discrepancy between the fill of a container and the capacity of the container is due to unavoidable leakage, shrinkage, evaporation, waste, or causes beyond the control of the seller acting in good faith.

SECTION 3.20. Section 13.114, Agriculture Code, is amended to read as follows:

Sec. 13.114. TOLERANCES. [~~(a)~~] The department shall establish specifications and tolerances [~~and specifications~~] for commercial weighing or measuring devices used in this state. The specifications and tolerances [~~and specifications~~] shall be similar to those recommended by the National Institute of Standards and Technology.

[~~(b) A person commits an offense if the person fails or refuses to comply with the tolerances and specifications established under this section.~~]

SECTION 3.21. Section 13.115(a), Agriculture Code, is amended to read as follows:

(a) The department may [~~shall~~] collect a fee [~~in accordance with this section~~] for each test of a weighing or measuring device required by this subchapter or performed on request of the owner.

SECTION 3.22. Section 13.117, Agriculture Code, is amended to read as follows:

Sec. 13.117. REFUSING TO ALLOW TEST OF WEIGHING OR MEASURING DEVICE. A person commits an offense if the person [~~neglects or~~] refuses to allow a weighing or measuring device under the person's control or in the person's possession to be inspected, tested, or examined by the department, and the inspection, test, or examination is required or authorized by this chapter.

SECTION 3.23. Section 13.119, Agriculture Code, is amended to read as follows:

Sec. 13.119. REMOVAL OF REGISTRATION TAG. A person commits an offense if the person removes or obliterates a tag or device placed or required by the department to be placed on a weighing or measuring device under this chapter.

SECTION 3.24. Section 13.120(b), Agriculture Code, is amended to read as follows:

(b) A person commits an offense if the person or the person's servant or agent knowingly:

- (1) offers or exposes for sale, hire, or award or sells an incorrect weighing or measuring device;
- (2) possesses an incorrect weighing or measuring device; or
- (3) sells, offers for sale, uses, or possesses for the purpose of sale or use a device or instrument to be used to falsify or intended to falsify a weight or measure.

SECTION 3.25. Section 13.122, Agriculture Code, is amended to read as follows:

Sec. 13.122. PENALTIES. An offense under [~~Section 13.114 or~~] each of Sections 13.117 [~~13.116~~] through 13.121 is a Class C misdemeanor.

SECTION 3.26. Chapter 13, Agriculture Code, is amended by adding Subchapter I to read as follows:

**SUBCHAPTER I. LICENSING OF SERVICE TECHNICIANS AND SERVICE COMPANIES**



Sec. 13.451. DEFINITIONS. In this subchapter:

(1) "License holder" means a person who holds a service company license or a service technician license.

(2) "Service company" means a person who holds a service company license issued by the department under this subchapter.

(3) "Service technician" means an individual who holds a service technician license issued by the department under this subchapter.

Sec. 13.452. DEVICE MAINTENANCE ACTIVITIES. A person performs device maintenance activities if the person or the person's employee:

(1) places a commercial weighing or measuring device in service;

(2) installs, calibrates, or repairs a commercial weighing or measuring device; or

(3) removes an out-of-order tag, stop-sale order, security seal, lock, condemnation notice, or other form of use prohibition placed on a weighing or measuring device by the department.

Sec. 13.453. POWERS AND DUTIES OF DEPARTMENT. (a) To verify compliance with licensing requirements, trade practices, department rules, and this chapter, the department may periodically or in response to a complaint or previous violation inspect an applicant's or license holder's:

(1) facilities;

(2) inspecting and testing equipment and procedures;

(3) repair and calibration equipment, standards, and procedures;

(4) transportation equipment; and

(5) invoices, work orders, and other records related to device maintenance activities.

(b) The department may periodically or in response to a complaint or previous violation monitor and inspect or test weighing or measuring devices that have been inspected and tested by a license holder and any standards used by the license holder during an inspection or test.

(c) The department by rule may adopt additional requirements for the issuance of a license and for the denial of an application for a license or renewal of a license. Rules adopted by the department under this subsection must be designed to protect the public health, safety, and welfare and the proper inspection, testing, and operation of commercial weighing or measuring devices.

(d) The department may adopt other rules necessary for the regulation of device maintenance activities, for the proper operation of commercial weighing or measuring devices, and to protect the health, safety, and welfare of the public and license holders.

(e) The department may specify the date, time, and place for any inspection authorized by this section.

Sec. 13.454. EXEMPTIONS FROM LICENSE REQUIREMENTS. (a) A person is not required to hold a license issued under this subchapter if the person:

(1) is a department employee who is performing device maintenance activities in the scope of the person's duties for the department;

(2) is the owner or operator of a commercial weighing or measuring device or an employee of the owner or operator of a commercial weighing or measuring device and the person:

(A) completely removes the commercial weighing or measuring device from the location at which the device was installed, including a device subject to an out-of-order tag, stop-sale order, security seal, lock, condemnation notice, or other item placed on the device by the department to prohibit use of the device; and

(B) notifies the department of the device's removal not later than the 10th day after the date the device was removed in the manner provided by department rule; or

(3) performs device maintenance activities only on a device that is:

(A) exempt from the registration requirements of Section 13.1011 under department rules;

(B) exempt from the inspection requirements of Section 13.101 under department rules; and

(C) not required to be inspected by other department rules.

(b) The department is not required to hold a license issued under this subchapter.

Sec. 13.455. SERVICE TECHNICIAN LICENSE REQUIRED. Unless the individual is exempt from the licensing requirement, an individual may not perform or offer to perform device maintenance activities unless the individual holds a service technician license issued by the department under this subchapter.

Sec. 13.456. SERVICE COMPANY LICENSE REQUIRED. (a) Unless the person is exempt from the license requirement, a person may not employ an individual who performs or offers to perform device maintenance activities unless the person holds a service company license issued by the department under this subchapter. (b) Unless the individual is exempt from the licensing requirement, an individual may not perform or offer to perform device maintenance activities as a sole proprietor unless the individual holds a service technician license and a service company license issued by the department under this subchapter.

Sec. 13.457. APPLICATION FOR LICENSE. An applicant for a license under this subchapter must submit to the department:

- (1) an application form prescribed by the department;
- (2) any other documents required by the department; and
- (3) a fee in an amount set by the department.

Sec. 13.458. SERVICE TECHNICIAN LICENSE REQUIREMENTS. (a) The department shall issue a license to each qualified applicant who applies for a service technician license.

(b) The department by rule may require an applicant for the issuance or renewal of a service technician license to meet one or more of the following requirements:

- (1) provide to the department proof that the applicant has completed an academic, trade, or professional course of instruction approved by the department;
- (2) pass a written test; or
- (3) pass a practical skills test.

Sec. 13.459. SERVICE COMPANY LICENSE REQUIREMENTS. (a) The department shall issue a license to each qualified applicant who applies for a service company license.

(b) An applicant for the issuance or renewal of a license under this section must:

- (1) submit to the department a certificate of insurance evidencing that the applicant has an insurance policy that meets the requirements of Section 13.460 effective for the period for which the license is to be issued or renewed; and
- (2) meet any other requirements provided by department rule.

Sec. 13.460. INSURANCE POLICY REQUIRED FOR SERVICE COMPANY. A service company shall maintain at all times while the service company performs device maintenance activities a current effective operations liability insurance policy issued by an insurance company authorized to do business in this state or by a surplus lines insurer that meets the requirements of Chapter 981, Insurance Code, and rules adopted by the commissioner of insurance in an amount set by the department and based on the type of licensed activities to be performed.

Sec. 13.461. TERM OF LICENSE. A license issued under this subchapter is valid for one year unless a different term is established by department rule.

Sec. 13.462. LICENSE RENEWAL. A person licensed under this subchapter must periodically renew the person's license. The license expires unless the license holder submits an application for renewal accompanied by the renewal fee set by the department or by the late fee set by the department and meets the requirements for renewal.

Sec. 13.463. PRACTICE BY LICENSE HOLDER. (a) A license holder shall perform device maintenance activities in compliance with department rules.

(b) A license holder may use only equipment approved by the department, as provided by department rules, when performing device maintenance activities.

Sec. 13.464. CRIMINAL PENALTY. (a) A person commits an offense if the person violates Section 13.455 or 13.456 or causes another person to violate Section 13.455 or 13.456.

(b) An offense under Subsection (a) is a Class B misdemeanor, unless the person has been previously convicted of an offense under this section, in which case the offense is a Class A misdemeanor.

SECTION 3.27. The following provisions of the Agriculture Code are repealed:

- (1) Section 13.1012; and
- (2) Section 13.115(g).

SECTION 3.28. (a) The following provisions of the Agriculture Code are repealed:

- (1) Subchapter F, Chapter 13;
- (2) Subchapter G, Chapter 13; and
- (3) Subchapter H, Chapter 13.

(b) This section takes effect March 1, 2014.

SECTION 3.29. The changes in law made by this article to Sections 13.007, 13.021, 13.027, 13.031, 13.033, 13.034, 13.035, 13.036, 13.037, 13.038, 13.041, 13.114, 13.117, 13.119, 13.120, 13.122, 13.308, 13.358, and 13.407, Agriculture Code, apply only to an offense or violation committed on or after the effective date of the relevant change in law. An offense or violation committed before the effective date of the change in law is governed by the law in effect on the date the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or violation was committed before the effective date of the change in law if any element of the offense or violation occurred before that date.

SECTION 3.30. Not later than December 1, 2013, the Department of Agriculture shall adopt rules necessary to implement Subchapter I, Chapter 13, Agriculture Code, as added by this article.

SECTION 3.31. Not later than January 1, 2014, the Department of Agriculture shall begin accepting applications for and issuing service technician licenses and service company licenses under Sections 13.458 and 13.459, Agriculture Code, as added by this article.

SECTION 3.32. Sections 13.455, 13.456, and 13.464, Agriculture Code, as added by this article, take effect March 1, 2014.

#### ARTICLE 4. NOTICE OF COMMODITY PRODUCERS BOARD ELECTIONS

#### ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

**H.B. No. 1514**

#### AN ACT

relating to privileged parking for veterans of World War II.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 681.008(b), Transportation Code, is amended to read as follows:

(b) A vehicle on which license plates described by Subsection (a)(2) or issued under Section 504.202, Section 504.310, Section 504.315(a), (c), (d), (e), (f), (g), or (h), or Section 504.316 are displayed is exempt from the payment of a parking fee collected through a parking meter charged by a governmental authority other than a branch of the federal government, when being operated by or for the transportation of:

(1) the person who registered the vehicle under Section 504.202(a), Section 504.310, Section 504.315(a), (c), (d), (e), (f), (g), or (h), or Section 504.316;

(2) a person described in Section 504.202(b) if the vehicle is registered under that subsection; or

(3) the owner or operator of a vehicle displaying license plates described by Subsection (a)(2).

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 1523**

#### AN ACT

relating to the offense of money laundering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 34.01(2), Penal Code, is amended to read as follows:

(2) "Funds" includes:

(A) coin or paper money of the United States or any other country that is designated as legal tender and that circulates and is customarily used and accepted as a medium of exchange in the country of issue;

(B) United States silver certificates, United States Treasury notes, and Federal Reserve System notes;

(C) an official foreign bank note that is customarily used and accepted as a medium of exchange in a foreign country and a foreign bank draft; and

(D) currency or its equivalent, including an electronic fund, a personal check, a bank check, a traveler's check, a money order, a bearer negotiable instrument, a bearer investment security, a bearer security, a [or] certificate of stock in a form that allows title to pass on delivery, or a stored value card as defined by Section 604.001,

Business & Commerce Code.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 1554**

AN ACT

relating to the authority of municipalities to file a lien for the costs of abatement of a floodplain ordinance violation; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.012, Local Government Code, is amended to read as follows:

Sec. 54.012. CIVIL ACTION. A municipality may bring a civil action for the enforcement of an ordinance:

- (1) for the preservation of public safety, relating to the materials or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
- (2) relating to the preservation of public health or to the fire safety of a building or other structure or improvement, including provisions relating to materials, types of construction or design, interior configuration, illumination, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
- (3) for zoning that provides for the use of land or classifies a parcel of land according to the municipality's district classification scheme;
- (4) establishing criteria for land subdivision or construction of buildings, including provisions relating to street width and design, lot size, building width or elevation, setback requirements, or utility service specifications or requirements;
- (5) implementing civil penalties under this subchapter for conduct classified by statute as a Class C misdemeanor;
- (6) relating to dangerously damaged or deteriorated structures or improvements;
- (7) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;
- (8) relating to the interior configuration, design, illumination, or visibility of business premises exhibiting for viewing by customers while on the premises live or mechanically or electronically displayed entertainment intended to provide sexual stimulation or sexual gratification; [or]
- (9) relating to point source effluent limitations or the discharge of a pollutant, other than from a non-point source, into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the municipality; or
- (10) relating to floodplain control and administration, including an ordinance regulating the placement of a structure, fill, or other materials in a designated floodplain.

SECTION 2. Subchapter B, Chapter 54, Local Government Code, is amended by adding Section 54.020 to read as follows:

Sec. 54.020. ABATEMENT OF FLOODPLAIN VIOLATION IN MUNICIPALITIES; LIEN. (a) In addition to any necessary and reasonable actions authorized by law, a municipality may abate a violation of a floodplain management ordinance by causing the work necessary to bring real property into compliance with the ordinance, including the repair, removal, or demolition of a structure, fill, or other material illegally placed in the area designated as a floodplain, if:

- (1) the municipality gives the owner reasonable notice and opportunity to comply with the ordinance; and
  - (2) the owner of the property fails to comply with the ordinance.
- (b) The municipality may assess the costs incurred by the municipality under Subsection (a) against the

property. The municipality has a lien on the property for the costs incurred and for interest accruing at the annual rate of 10 percent on the amount due until the municipality is paid.

(c) The municipality may perfect the lien by filing written notice of the lien with the county clerk of the county in which the property is located. The notice of lien must be in recordable form and must state the name of each property owner, if known, the legal description of the property, and the amount due.

(d) The municipality's lien is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the municipality's lien attaches, if the mortgage lien was filed for record before the date the municipality files the notice of lien with the county clerk. The municipality's lien is superior to all other previously recorded judgment liens.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 1562**

AN ACT

relating to notice provided when a bail bond surety is in default.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 17.11, Code of Criminal Procedure, is amended by amending Section 2 and adding Section 3 to read as follows:

Sec. 2. Provided, however, any person who has signed as a surety on a bail bond and is in default thereon shall thereafter be disqualified to sign as a surety so long as the person [he] is in default on the [said] bond. It shall be the duty of the clerk of the court where the [wherein such] surety is in default on a bail bond[;] to notify in writing the sheriff, chief of police, or other peace officer[;] of the [such] default. If a bail bond is taken for an offense other than a Class C misdemeanor, the clerk of the court where the surety is in default on the bond shall send notice of the default by certified mail to the last known address of the surety.

Sec. 3. A surety is considered to be [shall be deemed] in default from the time execution may be issued on a final judgment in a bond forfeiture proceeding under the Texas Rules of Civil Procedure, unless the final judgment is superseded by the posting of a supersedeas bond.

SECTION 2. The change in law made by this Act to Article 17.11, Code of Criminal Procedure, applies only to a bail bond that is executed on or after the effective date of this Act. A bail bond executed before the effective date of this Act is governed by the law in effect when the bail bond was executed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 1606**

AN ACT

relating to the prosecution of the offenses of harassment and stalking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person [he]:

- (1) initiates communication [~~by telephone, in writing, or by electronic communication~~] and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
- (2) threatens, [~~by telephone, in writing, or by electronic communication;~~] in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's [his] family or household, or the person's [his] property;
- (3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
- (4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
- (5) makes a telephone call and intentionally fails to hang up or disengage the connection;
- (6) knowingly permits a telephone under the person's control to be used by another to commit an offense under



this section; or

(7) sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

SECTION 2. Sections 42.072(a) and (d), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

(1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know [believes] the other person will regard as threatening:

(A) bodily injury or death for the other person;

(B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or

(C) that an offense will be committed against the other person's property;

(2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and

(3) would cause a reasonable person to [fear]:

(A) fear bodily injury or death for himself or herself;

(B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; [~~or~~]

(C) fear that an offense will be committed against the person's property; or

(D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(d) In this section:

(1) "Dating [~~-, "dating~~] relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

**H.B. No. 1607**

AN ACT

relating to the authority of the commissioners court of a county to alter speed limits on county roads.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.355(c), Transportation Code, is amended to read as follows:

(c) The commissioners court may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 70 [~~60~~] miles per hour.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 1690**

AN ACT

relating to measures to prevent or control the entry into or spread in this state of certain communicable diseases; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.003, Health and Safety Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) “Peace officer” has the meaning assigned by Article 2.12, Code of Criminal Procedure. The term includes a sheriff or constable.

SECTION 2. Section 81.083, Health and Safety Code, is amended by adding Subsection (m) to read as follows:

(m) A peace officer, including a sheriff or constable, may use reasonable force to:

(1) secure the members of a group subject to an order issued under Subsection (k); and

(2) except as directed by the department or health authority, prevent the members from leaving the group or other individuals from joining the group.

SECTION 3. Section 81.084, Health and Safety Code, is amended by adding Subsection (l) to read as follows:

(l) A peace officer, including a sheriff or constable, may use reasonable force to:

(1) secure a property subject to a court order issued under this section; and

(2) except as directed by the department or health authority, prevent an individual from entering or leaving the property subject to the order.

SECTION 4. Section 81.085, Health and Safety Code, is amended by adding Subsection (j) to read as follows:

(j) A peace officer, including a sheriff or constable, may use reasonable force to:

(1) secure a quarantine area; and

(2) except as directed by the department or health authority, prevent an individual from entering or leaving the quarantine area.

SECTION 5. Section 81.162, Health and Safety Code, is amended by adding Subsection (h) to read as follows:

(h) The judge or magistrate may direct a peace officer, including a sheriff or constable, to prevent a person who is the subject of a protective custody order from leaving the facility designated to detain the person if the court finds that a threat to the public health exists because the person may attempt to leave the facility.

SECTION 6. Section 81.163, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) A protective custody order shall direct a peace officer, including a sheriff or constable, to take the person who is the subject of the order into protective custody and transport the person immediately to an appropriate inpatient health facility that has been designated by the commissioner as a suitable place.

(f) A protective custody order issued under Section 81.162 may direct an emergency medical services provider to provide an ambulance and staff to immediately transport the person who is the subject of the order to an appropriate inpatient health facility designated by the order or other suitable facility. The provider may seek reimbursement for the costs of the transport from any appropriate source.

SECTION 7. Section 81.185, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The order for temporary detention shall direct a peace officer, including a sheriff or constable, to take the person into custody and immediately transport the person to an appropriate inpatient health care facility. The person shall be transported to a facility considered suitable by the health authority if an appropriate inpatient health care facility is not available.

(e) The order for temporary detention may direct an emergency medical services provider to provide an ambulance and staff to immediately transport the person who is the subject of the order to an appropriate inpatient health care facility designated by the order or other suitable facility. The provider may seek reimbursement for the costs of the transport from any appropriate source.

SECTION 8. Section 81.190, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) If the department or health authority advises the court that the person must remain in isolation or quarantine and that exposure to the judge or the public would jeopardize the health and safety of those persons and the public health, the judge may order that a person entitled to a hearing may not appear in person and may appear only by teleconference or another means that the judge finds appropriate to allow the person to speak, to interact with witnesses, and to confer with the person’s attorney.

SECTION 9. Subchapter G, Chapter 81, Health and Safety Code, is amended by adding Section 81.212 to read as follows:

Sec. 81.212. EVADING OR RESISTING APPREHENSION OR TRANSPORT; CRIMINAL PENALTY. (a) A person who is subject to a protective custody order or temporary detention order issued by a court under this subchapter commits an offense if the person resists or evades apprehension by a sheriff, constable, or other peace officer enforcing the order or resists or evades transport to an appropriate inpatient health care facility or other suitable facility under the order.

(b) A person commits an offense if the person assists a person who is subject to a protective custody order or temporary detention order issued by a court under this subchapter in resisting or evading apprehension by a sheriff, constable, or other peace officer enforcing the order or in resisting or evading transport to an appropriate inpatient health care facility or other suitable facility under the order.

(c) An offense under this section is a Class A misdemeanor.

SECTION 10. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 1724**

#### AN ACT

relating to the statute of limitations on municipal and county hotel occupancy taxes and interest on delinquent payments of municipal hotel occupancy taxes and to the use of revenue from those taxes by certain municipalities to audit taxpayers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 351.004, Tax Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) The municipality may bring suit against a person who is required to collect the tax imposed by this chapter and pay the collections over to the municipality, and who has failed to file a tax report or pay the tax when due, to collect the tax not paid or to enjoin the person from operating a hotel in the municipality until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this chapter, the person is liable to the municipality for:

(1) the municipality's reasonable attorney's fees;

(2) the costs of an audit conducted under Subsection (a-1)(1), as determined by the municipality using a reasonable rate, but only if:

(A) the tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted; and

(B) the municipality has not received a disbursement from the comptroller as provided by Section 156.2513 related to the person's concurrent state tax delinquency described by Section 351.008; ~~[and]~~

(3) a penalty equal to 15 percent of the total amount of the tax owed if the tax has been delinquent for at least one complete municipal fiscal quarter; and

(4) interest under Section 351.0042.

(b) Except as provided by Subsection (b-1), a municipality must bring suit under this section not later than the fourth anniversary of the date the tax becomes due. [Section 16.061, Civil Practice and Remedies Code, applies to the collection of a tax under this chapter. A limitation period provided by Title 2 relating to the time allowed to assess taxes and bring a suit to collect taxes does not apply to a tax imposed under this chapter or to a suit brought under this section.]

(b-1) The limitation provided by Subsection (b) does not apply and a municipality may bring suit under this section at any time if:

(1) with intent to evade the tax, the person files a false or fraudulent report with the municipality; or

(2) the person has not filed a report for the tax with the municipality.

SECTION 2. Subchapter A, Chapter 351, Tax Code, is amended by adding Section 351.0042 to read as follows:  
Sec. 351.0042. INTEREST ON DELINQUENT TAX. (a) A person who fails to pay a tax due under this chapter is liable to the municipality for interest on the unpaid amount at the greater of the rate provided by Section 111.060(b) or the rate imposed by the municipality on January 1, 2013.

(b) Interest under this section accrues from the first day after the date due until the tax is paid.

SECTION 3. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.1067 to read as follows:  
Sec. 351.1067. ALLOCATION OF REVENUE; CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has a population of at least 190,000, no part of which is located in a county with a population of at least 150,000.

(b) Notwithstanding any other provision of this chapter, a municipality to which this section applies may use revenue from the municipal hotel occupancy tax to conduct an audit of a person in the municipality required to collect the tax authorized by this chapter, provided that the municipality use the revenue to audit not more than one-third of the total number of those persons in any fiscal year.

SECTION 4. Section 352.004, Tax Code, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) Except as provided by Subsection (d-2), a county must bring suit under this section not later than the fourth anniversary of the date the tax becomes due.

(d-2) The limitation provided by Subsection (d-1) does not apply and a county may bring suit under this section at any time if:

(1) with intent to evade the tax, the person files a false or fraudulent report with the county; or

(2) the person has not filed a report for the tax with the county.

SECTION 5. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 6. This Act takes effect September 1, 2013.

**H.B. No. 1738**

## AN ACT

relating to the emergency detention by a peace officer of a person who may have mental illness, including information provided to the person subject to detention and a standard form of notification of detention to be provided to a facility by a peace officer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 573.001, Health and Safety Code, is amended by adding Subsection (g) to read as follows:  
(g) A peace officer who takes a person into custody under Subsection (a) shall immediately inform the person orally in simple, nontechnical terms:

(1) of the reason for the detention; and

(2) that a staff member of the facility will inform the person of the person's rights within 24 hours after the time the person is admitted to a facility, as provided by Section 573.025(b).

SECTION 2. Section 573.002, Health and Safety Code, is amended to read as follows:

Sec. 573.002. PEACE OFFICER'S NOTIFICATION OF ~~[APPLICATION FOR]~~ DETENTION. (a) A peace officer shall immediately file with a facility a notification of ~~[an application for]~~ detention after transporting a person to that [a] facility in accordance with ~~[under]~~ Section 573.001.

(b) The notification of ~~[application for]~~ detention must contain:

(1) a statement that the officer has reason to believe and does believe that the person evidences mental illness;

(2) a statement that the officer has reason to believe and does believe that the person evidences a substantial risk of serious harm to the person ~~[himself]~~ or others;

(3) a specific description of the risk of harm;

(4) a statement that the officer has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained;

(5) a statement that the officer's beliefs are derived from specific recent behavior, overt acts, attempts, or threats

that were observed by or reliably reported to the officer;  
(6) a detailed description of the specific behavior, acts, attempts, or threats; and  
(7) the name and relationship to the apprehended person of any person who reported or observed the behavior, acts, attempts, or threats.

(c) The facility where the person is detained shall include in the detained person's clinical file the notification of detention described by this section.

(d) The peace officer shall give the notification of detention on the following form:

Notification--Emergency Detention NO. \_\_\_\_\_ DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_

THE STATE OF TEXAS

FOR THE BEST INTEREST AND PROTECTION OF:

NOTIFICATION OF EMERGENCY DETENTION

Now comes \_\_\_\_\_, a peace officer with (name of agency) \_\_\_\_\_, of the State of Texas, and states as follows:

1. I have reason to believe and do believe that (name of person to be detained) \_\_\_\_\_ evidences mental illness.

2. I have reason to believe and do believe that the above-named person evidences a substantial risk of serious harm to himself/herself or others based upon the following:

\_\_\_\_\_  
\_\_\_\_\_

3. I have reason to believe and do believe that the above risk of harm is imminent unless the above-named person is immediately restrained.

4. My beliefs are based upon the following recent behavior, overt acts, attempts, statements, or threats observed by me or reliably reported to me:

\_\_\_\_\_  
\_\_\_\_\_

5. The names, addresses, and relationship to the above-named person of those persons who reported or observed recent behavior, acts, attempts, statements, or threats of the above-named person are (if applicable):

\_\_\_\_\_  
\_\_\_\_\_

For the above reasons, I present this notification to seek temporary admission to the (name of facility) \_\_\_\_\_ inpatient mental health facility or hospital facility for the detention of (name of person to be detained) \_\_\_\_\_ on an emergency basis.

6. Was the person restrained in any way? Yes  No

BADGE NO. \_\_\_\_\_

PEACE OFFICER'S SIGNATURE

Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

A mental health facility or hospital emergency department may not require a peace officer to execute any form other than this form as a predicate to accepting for temporary admission a person detained under Section 573.001, Texas Health and Safety Code.

(e) A mental health facility or hospital emergency department may not require a peace officer to execute any form other than the form provided by Subsection (d) as a predicate to accepting for temporary admission a person detained under Section 573.001.

SECTION 3. Section 573.021(a), Health and Safety Code, is amended to read as follows:

(a) A facility shall temporarily accept a person for whom an application for detention is filed or for whom a



peace officer files a notification of detention under Section 573.002(a).

SECTION 4. Section 573.025, Health and Safety Code, is amended to read as follows:

Sec. 573.025. RIGHTS OF PERSONS APPREHENDED, DETAINED, OR TRANSPORTED FOR EMERGENCY DETENTION. (a) A person apprehended, detained, or transported for emergency detention under this chapter has the right:

- (1) to be advised of the location of detention, the reasons for the detention, and the fact that the detention could result in a longer period of involuntary commitment;
- (2) to a reasonable opportunity to communicate with and retain an attorney;
- (3) to be transported to a location as provided by Section 573.024 if the person is not admitted for emergency detention, unless the person is arrested or objects;
- (4) to be released from a facility as provided by Section 573.023;
- (5) to be advised that communications with a mental health professional may be used in proceedings for further detention; [~~and~~]
- (6) to be transported in accordance with Sections 573.026 and 574.045, if the person is detained under Section 573.022 or transported under an order of protective custody under Section 574.023; and
- (7) to a reasonable opportunity to communicate with a relative or other responsible person who has a proper interest in the person's welfare.

(b) A person apprehended, detained, or transported for emergency detention under this subtitle shall be informed of the rights provided by this section and this subtitle:

- (1) orally in simple, nontechnical terms, within 24 hours after the time the person is admitted to a facility, and in writing in the person's primary language if possible; or
- (2) through the use of a means reasonably calculated to communicate with a hearing or visually impaired person, if applicable.

(c) The executive commissioner of the Health and Human Services Commission by rule shall prescribe the manner in which the person is informed of the person's rights under this section and this subtitle.

SECTION 5. This Act takes effect September 1, 2013.

**H.B. No. 1807**

AN ACT

relating to fever tick eradication; creating a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 167.001, Agriculture Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (8) to read as follows:

(1) "Animal" means any domestic, free-range, or wild animal capable of hosting or transporting ticks capable of carrying Babesia, including:

(A) livestock;

(B) zebras, bison, and giraffes; and

(C) deer, elk, and other cervid species.

(1-a) "Commission" means the Texas Animal Health Commission.

(8) "Treatment" means a procedure or management practice used on an animal to prevent the infestation of, control, or eradicate ticks capable of carrying Babesia.

SECTION 2. Sections 167.003(a) and (c), Agriculture Code, are amended to read as follows:

(a) In accordance with this chapter, the commission shall eradicate all ticks capable of carrying Babesia in this state and shall protect all land, premises, and animals [~~livestock~~] in this state from those ticks and exposure to those ticks.

(c) The commission by rule may provide for the manner and method of treating [~~dipping~~] saddle stock and stock used for gentle work and for the handling and certifying of that stock for movement, but unless the commission so provides, the stock is subject to this chapter as other animals [~~livestock~~].

## AN ACT

relating to the authority of a municipality to confiscate packaged fireworks; providing an affirmative defense for possessing fireworks in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 342.003, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) Subsection (a)(8) does not authorize a municipality to confiscate packaged, unopened fireworks.

SECTION 2. Subchapter B, Chapter 342, Local Government Code, is amended by adding Section 342.013 to read as follows:

Sec. 342.013. CONFISCATION OF CERTAIN FIREWORKS PROHIBITED; AFFIRMATIVE DEFENSE. (a)

A home-rule municipality that regulates fireworks may not confiscate packaged, unopened fireworks.

(b) It is an affirmative defense to prosecution for possession of fireworks brought under a municipal ordinance that:

(1) the defendant was operating or was a passenger in a motor vehicle that was being operated in a public place; and

(2) the fireworks were not in the passenger area of the vehicle.

(c) For purposes of Subsection (b), the "passenger area" of a motor vehicle means the area of the vehicle designed for the seating of the operator and the passengers of the vehicle. The term does not include:

(1) a locked glove compartment or similar locked storage area;

(2) the trunk of a vehicle; or

(3) the area behind the last upright seat of a vehicle that does not have a trunk.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

## AN ACT

relating to continuing legal education in ethics or professional responsibility for prosecutors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 41, Government Code, is amended by adding Section 41.111 to read as follows:

Sec. 41.111. TRAINING RELATED TO PROSECUTING ATTORNEY'S DUTY TO DISCLOSE

EXCULPATORY AND MITIGATING EVIDENCE. (a) Each attorney representing the state in the prosecution of felony and misdemeanor criminal offenses other than Class C misdemeanors shall complete a course of study relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal case.

(b) The court of criminal appeals shall adopt rules relating to the training required by Subsection (a). In adopting the rules, the court shall consult with a statewide association of prosecuting attorneys in the development, provision, and documentation of the required training.

(c) The rules must:

(1) require that each attorney, within 180 days of assuming duties as an attorney representing the state described in Subsection (a), shall receive one hour of instruction relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal matter;

(2) require additional training on a schedule or at a time as determined by the court;

(3) provide that the required training be specific with respect to a prosecuting attorney's duties regarding the disclosure of exculpatory and mitigating evidence in a criminal case, and must be consistent with case law and the Texas Disciplinary Rules of Professional Conduct; and

(4) provide for a method of certifying the completion of the training described in Subdivisions (1) and (2).

SECTION 2. (a) The court of criminal appeals shall adopt rules required by Section 41.111, Government Code,

as added by this Act, not later than January 1, 2014.

(b) A person who on January 1, 2014, is serving as an attorney representing the state as described in Section 41.111(a), Government Code, as added by this Act, must comply with the training requirements of this section not later than January 1, 2015.

SECTION 3. This Act takes effect January 1, 2014.

**H.B. No. 1862**

AN ACT

relating to the criminal consequences of engaging in certain conduct with respect to a switchblade knife.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 46.05(a), (d), and (e), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive weapon;

(2) a machine gun;

(3) a short-barrel firearm;

(4) a firearm silencer;

(5) ~~a switchblade knife;~~

~~[(6)]~~ knuckles;

~~(6)~~ ~~[(7)]~~ armor-piercing ammunition;

~~(7)~~ ~~[(8)]~~ a chemical dispensing device;

~~(8)~~ ~~[(9)]~~ a zip gun; or

~~(9)~~ ~~[(10)]~~ a tire deflation device.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct:

(1) was incidental to dealing with a ~~[switchblade knife, springblade knife,]~~ short-barrel firearm~~[-]~~ or tire deflation device solely as an antique or curio;

(2) was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b); or

(3) was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b).

(e) An offense under Subsection (a)(1), (2), (3), (4), ~~(6)~~, (7), or (8)~~[-or-(9)]~~ is a felony of the third degree. An offense under Subsection ~~(a)(9)~~ ~~[(a)(10)]~~ is a state jail felony. An offense under Subsection (a)(5) ~~[-or-(6)]~~ is a Class A misdemeanor.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 1931**

AN ACT

relating to compensation of property owners whose property is damaged as a result of a pursuit involving a law enforcement agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 683.015, Transportation Code, is amended by amending Subsections (d), (f), and (g) and adding Subsection (h) to read as follows:

(d) A municipality or county may transfer funds in excess of \$1,000 from the account to the municipality's or county's general revenue account to be used by the law enforcement agency or, if the vehicle, aircraft, watercraft, or outboard motor was located in a county with a population of less than 150,000, by the attorney

representing the state.

(f) A law enforcement agency or an attorney representing the state may use funds transferred under Subsection (d) to compensate property owners whose property was damaged as a result of a pursuit involving a [the] law enforcement agency, regardless of whether the agency would be liable under Chapter 101, Civil Practice and Remedies Code.

(g) Before a law enforcement agency or an attorney representing the state may compensate a property owner under Subsection (f) using funds transferred to a county under Subsection (d), the sheriff, [or] constable, or attorney representing the state must submit the proposed payment for compensation for consideration, and the commissioners court shall consider the proposed payment for compensation, at the next regularly scheduled meeting of the commissioners court.

(h) In this section, "attorney representing the state" means a district attorney, criminal district attorney, or county attorney performing the duties of a district attorney.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 1951**

AN ACT

relating to the licensing and regulation of telecommunicators; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1701.151, Occupations Code, is amended to read as follows:

Sec. 1701.151. GENERAL POWERS OF COMMISSION; RULEMAKING AUTHORITY. The commission may:

- (1) adopt rules for the administration of this chapter and for the commission's internal management and control;
- (2) establish minimum standards relating to competence and reliability, including education, training, physical, mental, and moral standards, for licensing as an officer, county jailer, [or] public security officer, or [employment as a] telecommunicator;
- (3) report to the governor and legislature on the commission's activities, with recommendations on matters under the commission's jurisdiction, and make other reports that the commission considers desirable;
- (4) require a state agency or a county, special district, or municipality in this state that employs officers, telecommunicators, or county jailers to submit reports and information;
- (5) contract as the commission considers necessary for services, facilities, studies, and reports required for:
  - (A) cooperation with municipal, county, special district, state, and federal law enforcement agencies in training programs; and
  - (B) performance of the commission's other functions; and
- (6) conduct research and stimulate research by public and private agencies to improve law enforcement and police administration.

SECTION 2. Sections 1701.251(a) and (c), Occupations Code, are amended to read as follows:

(a) The commission shall establish and maintain training programs for officers, [and] county jailers, and telecommunicators. The training shall be conducted by the commission staff or by other agencies and institutions the commission considers appropriate.

(c) The commission may:

- (1) issue or revoke the license of a school operated by or for this state or a political subdivision of this state specifically for training officers, county jailers, [or] recruits, or telecommunicators;
- (2) operate schools and conduct preparatory, in-service, basic, and advanced courses in the schools, as the commission determines appropriate, for officers, county jailers, [and] recruits, and telecommunicators;
- (3) issue a license to a person to act as a qualified instructor under conditions that the commission prescribes; and
- (4) consult and cooperate with a municipality, county, special district, state agency or other governmental agency, or a university, college, junior college, or other institution, concerning the development of schools and training programs for officers, [and] county jailers, and telecommunicators.

SECTION 3. Section 1701.301, Occupations Code, is amended to read as follows:

Sec. 1701.301. LICENSE REQUIRED. Except as provided by Sections 1701.310, ~~[and]~~ 1701.311, and 1701.405, a person may not appoint or employ a person to serve as an officer, county jailer, ~~[or]~~ public security officer, or telecommunicator unless the person ~~[appointed]~~ holds an appropriate license issued by the commission.

SECTION 4. Section 1701.303, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) A person who appoints or employs a telecommunicator licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment or employment. If the person appoints or employs an individual who previously served as a telecommunicator and the appointment or employment occurs after the 180th day after the last date of service as a telecommunicator, the person must have on file in a form readily accessible to the commission:

- (1) new criminal history record information; and
- (2) two completed fingerprint cards.

SECTION 5. The heading to Section 1701.307, Occupations Code, is amended to read as follows:

Sec. 1701.307. ISSUANCE OF OFFICER OR COUNTY JAILER LICENSE.

SECTION 6. Section 1701.307(a), Occupations Code, is amended to read as follows:

(a) The commission shall issue an appropriate officer or county jailer license to a person who, as required by this chapter:

- (1) submits an application;
- (2) completes the required training;
- (3) passes the required examination;
- (4) is declared to be in satisfactory psychological and emotional health and free from drug dependency or illegal drug use; and
- (5) demonstrates weapons proficiency.

SECTION 7. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.3071 to read as follows:

Sec. 1701.3071. ISSUANCE OF TELECOMMUNICATOR LICENSE. (a) The commission shall issue a telecommunicator license to a person who:

- (1) submits an application;
- (2) completes the required training;
- (3) passes the required examination; and
- (4) meets any other requirement of this chapter and the rules prescribed by the commission to qualify as a telecommunicator.

(b) The commission may issue a temporary or permanent license to a person to act as a telecommunicator.

SECTION 8. Section 1701.352, Occupations Code, is amended by adding Subsection (i) to read as follows:

(i) A state agency, county, special district, or municipality that appoints or employs a telecommunicator shall provide training to the telecommunicator of not less than 20 hours during each 24-month period of employment. The training must be approved by the commission and consist of topics selected by the commission and the employing entity.

SECTION 9. Section 1701.401(c), Occupations Code, is amended to read as follows:

(c) The commission shall adopt rules for issuing achievement awards to peace officers, reserve peace officers, jailers, ~~[or]~~ custodial officers, or telecommunicators who are licensed by the commission. The commission's rules shall require recommendations from an elected official of this state or a political subdivision, an administrator of a law enforcement agency, or a person holding a license issued by the commission.

SECTION 10. Section 1701.405, Occupations Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) This state or a political subdivision of this state may not employ a person to act as a telecommunicator unless the person:

- (1) has had at least 40 hours of telecommunicator training as determined by the commission;
- (2) is at least 18 years of age; ~~[and]~~
- (3) holds a high school diploma or high school equivalency certificate; and



(4) holds a license to act as a telecommunicator or agrees to obtain the license not later than the first anniversary of the date of employment.

(b-1) A person employed to act as a telecommunicator who has not obtained a license to act as a telecommunicator under this chapter may not continue to act as a telecommunicator after the first anniversary of the date of employment unless the person obtains the license.

(b-2) Notwithstanding this section, an officer is not required to obtain a telecommunicator license to act as a telecommunicator.

SECTION 11. Section 1701.551(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person appoints or retains another person as an officer, [or] county jailer, or telecommunicator in violation of Section 1701.301, 1701.303, [or] 1701.306, or 1701.405.

SECTION 12. (a) Not later than December 31, 2013, the Commission on Law Enforcement Officer Standards and Education shall adopt rules, standards, and procedures necessary to implement Chapter 1701, Occupations Code, as amended by this Act, and Subsection (b) of this section.

(b) Notwithstanding Chapter 1701, Occupations Code, as amended by this Act, a person employed as a certified telecommunicator on January 1, 2014, is exempt from the requirements for an initial telecommunicator license under that chapter, and the Commission on Law Enforcement Officer Standards and Education shall issue a telecommunicator license to the person on receipt of an application showing that the person was employed as a certified telecommunicator on that date.

SECTION 13. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2014.

(b) Section 12 of this Act takes effect September 1, 2013.

**H.B. No. 1952**

AN ACT

relating to professional development training for certain public school personnel regarding student disciplinary procedures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0181 to read as follows:

Sec. 37.0181. PROFESSIONAL DEVELOPMENT REGARDING DISCIPLINARY PROCEDURES. (a) Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding this subchapter, including training relating to the distinction between a discipline management technique used at the principal's discretion under Section 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Section 37.002(b).

(b) Professional development training under this section may be provided in coordination with regional education service centers through the use of distance learning methods, such as telecommunications networks, and using available agency resources.

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 2021**

AN ACT

relating to the authority of a municipality or county to contract for the collection of certain amounts; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 140, Local Government Code, is amended by adding Section 140.009 to read as follows:

Sec. 140.009. CONTRACT FOR COLLECTION OF AMOUNTS IN CIVIL CASES. (a) The governing body of a municipality or the commissioners court of a county may contract with a private attorney or public or private vendor for the collection of an amount owed to the municipality or county relating to a civil case, including an

unpaid fine, fee, or court cost, if the amount is more than 60 days overdue.

(b) A municipality or county contracting with an attorney or a vendor under Subsection (a) may authorize the addition of a collection fee of 30 percent of the amount referred. The collection fee may be used only to compensate the attorney or vendor who collects the debt.

(c) This section does not apply to the collection of commercial bail bonds.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 2025**

AN ACT

relating to the concurrent jurisdiction of the municipal courts of certain neighboring municipalities to hear criminal cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Notwithstanding Section 3, Chapter 76, Acts of the 82nd Legislature, Regular Session, 2011 (H.B. 984), relating to agreements between neighboring municipalities regarding jurisdiction of cases in municipal courts, the change in law made by that Act in adding Section 29.003(i), Government Code, and Article 4.14(g), Code of Criminal Procedure, applies to an offense committed or conduct that occurs before, on, or after May 19, 2011, which is the effective date of that Act.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 2058**

AN ACT

relating to the administration of a high school equivalency examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.111, Education Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) The board shall provide for the administration of high school equivalency examinations [~~including administration by the adjutant general's department for students described by Subdivision (2)(C)~~].

(a-1) A person who does not have a high school diploma may take the examination in accordance with rules adopted by the board if the person is:

(1) over 17 years of age;

(2) 16 years of age or older and:

(A) is enrolled in a Job Corps training program under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.), and its subsequent amendments;

(B) a public agency providing supervision of the person or having custody of the person under a court order recommends that the person take the examination; or

(C) is enrolled in the adjutant general's department's Seaborne ChalleNge Corps; or

(3) required to take the examination under a [~~justice or municipal~~] court order [~~issued under Article 45.054(a)(1) (C), Code of Criminal Procedure~~].

(c) The board by rule shall develop and deliver high school equivalency examinations and provide for the administration of the examinations online. The rules must [~~+~~] provide a procedure for verifying the identity of the person taking the examination [~~and (2) prohibit a person under 18 years of age from taking the examination online~~].

SECTION 2. This Act applies beginning with the 2013-2014 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

AN ACT

relating to a written statement made by an accused as a result of custodial interrogation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1, Article 38.22, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. In this article, a written statement of an accused means:

(1) [a statement signed by the accused or] a statement made by the accused in his own handwriting; or

(2) a statement made in a language the accused can read or understand that:

(A) is signed by the accused; or

(B) bears the mark of the accused, if the accused is unable to write and [a statement bearing his mark, when] the mark is [has been] witnessed by a person other than a peace officer.

SECTION 2. This Act applies only to a statement made by an accused on or after the effective date of this Act.

A statement made by an accused before the effective date of this Act is governed by the law in effect when the statement was made, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

AN ACT

relating to the establishment of a variable speed limit pilot program by the Texas Transportation Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the Texas Transportation Commission.

(2) "Department" means the Texas Department of Transportation.

SECTION 2. VARIABLE SPEED LIMIT PILOT PROGRAM. (a) The commission by rule shall establish and the department shall implement a variable speed limit pilot program to study the effectiveness of temporarily lowering prima facie speed limits to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway. Notice of a speed limit established under the pilot program may be displayed using a stationary or portable changeable message sign, as defined by Section 544.013, Transportation Code.

(b) The commission shall select up to three locations to test the pilot program.

(c) The commission shall inform the Department of Public Safety and any affected local law enforcement agency about the pilot program and the locations that are being used to test the pilot program.

(d) A speed limit that is established under the pilot program:

(1) must be based on an engineering and traffic investigation;

(2) may be effective for all or a designated portion of the highway and may be effective for any period of the day or night, as the department determines necessary; and

(3) is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins.

SECTION 3. REPORT. Not later than December 31, 2014, the commission shall submit a report to the legislature that includes information about the pilot program, the results of the pilot program, and any recommendations for statutory changes based on the results of the pilot program.

SECTION 4. EXPIRATION. This Act expires February 1, 2015.

SECTION 5. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

AN ACT

relating to search warrants issued in this state and other states for certain customer data, communications,

and other related information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 18.02, Code of Criminal Procedure, is amended to read as follows:

Art. 18.02. GROUNDS FOR ISSUANCE. (a) A search warrant may be issued to search for and seize:

- (1) property acquired by theft or in any other manner which makes its acquisition a penal offense;
- (2) property specially designed, made, or adapted for or commonly used in the commission of an offense;
- (3) arms and munitions kept or prepared for the purposes of insurrection or riot;
- (4) weapons prohibited by the Penal Code;
- (5) gambling devices or equipment, altered gambling equipment, or gambling paraphernalia;
- (6) obscene materials kept or prepared for commercial distribution or exhibition, subject to the additional rules set forth by law;
- (7) a drug, controlled substance, immediate precursor, chemical precursor, or other controlled substance property, including an apparatus or paraphernalia kept, prepared, or manufactured in violation of the laws of this state;
- (8) any property the possession of which is prohibited by law;
- (9) implements or instruments used in the commission of a crime;
- (10) property or items, except the personal writings by the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense;
- (11) persons; [~~or~~]
- (12) contraband subject to forfeiture under Chapter 59 of this code; or

(13) electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage.

(b) For purposes of Subsection (a)(13), “electronic communication,” “electronic storage,” and “wire communication” have the meanings assigned by Article 18.20, and “electronic customer data” has the meaning assigned by Article 18.21.

SECTION 2. Article 18.06(a), Code of Criminal Procedure, is amended to read as follows:

(a) A peace officer to whom a search warrant is delivered shall execute the warrant [it] without delay and forthwith return the warrant [it] to the proper magistrate. A search warrant issued under Section 5A, Article 18.21, must be executed in the manner provided by that section not later than the 11th day after the date of issuance. In all other cases, a search warrant [It] must be executed within three days from the time of its issuance. A warrant issued under this chapter [~~and~~] shall be executed within a shorter period if so directed in the warrant by the magistrate.

SECTION 3. Article 18.07(a), Code of Criminal Procedure, is amended to read as follows:

(a) The period [time] allowed for the execution of a search warrant, exclusive of the day of its issuance and of the day of its execution, is:

- (1) 15 whole days if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples;
- (2) 10 whole days if the warrant is issued under Section 5A, Article 18.21; or
- (3) [(2)] three whole days if the warrant is issued for a purpose other than that described by Subdivision (1) or (2).

SECTION 4. Section 1(20), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(20) “Electronic storage” means any storage of electronic customer data in a computer, computer network, or computer system, regardless of whether the data is subject to recall, further manipulation, deletion, or transmission, and includes any[~~:-~~

[(A) a temporary, intermediate storage of a wire or electronic communication that is incidental to the electronic transmission of the communication; or

[(B)] storage of a wire or electronic communication by an electronic communications service or a remote computing service [for purposes of backup protection of the communication].

SECTION 5. Section 1, Article 18.21, Code of Criminal Procedure, is amended by adding Subdivisions (3-b)

and (3-c) to read as follows:

(3-b) “Domestic entity” has the meaning assigned by Section 1.002, Business Organizations Code.

(3-c) “Electronic customer data” means data or records that:

(A) are in the possession, care, custody, or control of a provider of an electronic communications service or a remote computing service; and

(B) contain:

(i) information revealing the identity of customers of the applicable service;

(ii) information about a customer’s use of the applicable service;

(iii) information that identifies the recipient or destination of a wire communication or electronic communication sent to or by the customer;

(iv) the content of a wire communication or electronic communication sent to or by the customer; and

(v) any data stored by or on behalf of the customer with the applicable service provider.

SECTION 6. Section 4, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. REQUIREMENTS FOR GOVERNMENT ACCESS TO STORED COMMUNICATIONS. (a) An authorized peace officer may require a provider of an electronic communications service or a provider of a remote computing service to disclose electronic customer data [~~the contents of a wire communication or an electronic communication~~] that is [~~has been~~] in electronic storage [~~for not longer than 180 days~~] by obtaining a warrant under Section 5A.

~~(b) [An authorized peace officer may require a provider of electronic communications service to disclose the contents of a wire communication or an electronic communication that has been in electronic storage for longer than 180 days:~~

~~[(1) if notice is not being given to the subscriber or customer, by obtaining a warrant;~~

~~[(2) if notice is being given to the subscriber or customer, by obtaining:~~

~~[(A) an administrative subpoena authorized by statute;~~

~~[(B) a grand jury subpoena; or~~

~~[(C) a court order issued under Section 5 of this article; or~~

~~[(3) as otherwise permitted by applicable federal law.~~

~~[(c)(1) An authorized peace officer may require a provider of a remote computing service to disclose the contents of a wire communication or an electronic communication as described in Subdivision (2) of this subsection:~~

~~[(A) if notice is not being given to the subscriber or customer, by obtaining a warrant issued under this code;~~

~~[(B) if notice is being given to the subscriber or customer, by:~~

~~[(i) an administrative subpoena authorized by statute;~~

~~[(ii) a grand jury subpoena; or~~

~~[(iii) a court order issued under Section 5 of this article; or~~

~~[(C) as otherwise permitted by applicable federal law.~~

~~[(2) Subdivision (1) of this subsection applies only to a wire communication or an electronic communication that is in electronic storage:~~

~~[(A) on behalf of a subscriber or customer of the service and is received by means of electronic transmission from or created by means of computer processing of communications received by means of electronic transmission from the subscriber or customer; and~~

~~[(B) solely for the purpose of providing storage or computer processing services to the subscriber or customer if the provider of the service is not authorized to obtain access to the contents of those communications for purposes of providing any service other than storage or computer processing.~~

~~[(d)] An authorized peace officer may require a provider of an electronic communications service or a provider of a remote computing service to disclose only electronic customer data that is information revealing the identity of customers of the applicable service or information about a customer’s use of the applicable service, [~~records or other information pertaining to a subscriber or customer of the service, other than communications described in Subsection (c) of this section;~~] without giving the subscriber or customer notice:~~

~~(1) by obtaining an administrative subpoena authorized by statute;~~



- (2) by obtaining a grand jury subpoena;
- (3) by obtaining a warrant under Section 5A;
- (4) by obtaining the consent of the subscriber or customer to the disclosure of the data [records or information];
- (5) by obtaining a court order under Section 5 [~~of this article~~]; or
- (6) as otherwise permitted by applicable federal law.

(c) [(e)] A provider of telephonic communications service shall disclose to an authorized peace officer, without any form of legal process, subscriber listing information, including name, address, and telephone number or similar access code that:

(1) the service provides to others in the course of providing publicly available directory or similar assistance; or  
(2) is solely for use in the dispatch of emergency vehicles and personnel responding to a distress call directed to an emergency dispatch system or when the information is reasonably necessary to aid in the dispatching of emergency vehicles and personnel for the immediate prevention of death, personal injury, or destruction of property.

(d) [(f)] A provider of telephonic communications service shall provide an authorized peace officer with the name of the subscriber of record whose published telephone number is provided to the service by an authorized peace officer.

SECTION 7. Article 18.21, Code of Criminal Procedure, is amended by adding Sections 5A and 5B to read as follows:

Sec. 5A. WARRANT ISSUED IN THIS STATE FOR STORED CUSTOMER DATA OR

COMMUNICATIONS. (a) This section applies to a warrant required under Section 4 to obtain electronic customer data, including the contents of a wire communication or electronic communication.

(b) On the filing of an application by an authorized peace officer, a district judge may issue a search warrant under this section for electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communications service or a provider of a remote computing service described by Subsection (h), regardless of whether the customer data is held at a location in this state or at a location in another state. An application made under this subsection must demonstrate probable cause for the issuance of the warrant and must be supported by the oath or affirmation of the authorized peace officer.

(c) A search warrant may not be issued under this section unless the sworn affidavit required by Article 18.01(b) sets forth sufficient and substantial facts to establish probable cause that:

(1) a specific offense has been committed; and

(2) the electronic customer data sought:

(A) constitutes evidence of that offense or evidence that a particular person committed that offense; and

(B) is held in electronic storage by the service provider on which the warrant is served under Subsection (i).

(d) Only the electronic customer data described in the sworn affidavit required by Article 18.01(b) may be seized under the warrant.

(e) A warrant issued under this section shall run in the name of "The State of Texas."

(f) Article 18.011 applies to an affidavit presented under Article 18.01(b) for the issuance of a warrant under this section, and the affidavit may be sealed in the manner provided by that article.

(g) The peace officer shall execute the warrant not later than the 11th day after the date of issuance, except that the officer shall execute the warrant within a shorter period if so directed in the warrant by the district judge. For purposes of this subsection, a warrant is executed when the warrant is served in the manner described by Subsection (i).

(h) A warrant under this section may be served only on a service provider that is a domestic entity or a company or entity otherwise doing business in this state under a contract or a terms of service agreement with a resident of this state, if any part of that contract or agreement is to be performed in this state. The service provider shall produce all electronic customer data, contents of communications, and other information sought, regardless of where the information is held and within the period allowed for compliance with the warrant, as provided by Subsection (j). A court may find any designated officer, designated director, or designated owner of a company or entity in contempt of court if the person by act or omission is responsible for the failure of the company or

entity to comply with the warrant within the period allowed for compliance. The failure of a company or entity to timely deliver the information sought in the warrant does not affect the admissibility of that evidence in a criminal proceeding.

(i) A search warrant issued under this section is served when the authorized peace officer delivers the warrant by hand, by facsimile transmission, or, in a manner allowing proof of delivery, by means of the United States mail or a private delivery service to:

(1) a person specified by Section 5.255, Business Organizations Code;

(2) the secretary of state in the case of a company or entity to which Section 5.251, Business Organizations Code, applies; or

(3) any other person or entity designated to receive the service of process.

(j) The district judge shall indicate in the warrant that the deadline for compliance by the provider of an electronic communications service or the provider of a remote computing service is the 15th business day after the date the warrant is served if the warrant is to be served on a domestic entity or a company or entity otherwise doing business in this state, except that the deadline for compliance with a warrant served in accordance with Section 5.251, Business Organizations Code, may be extended to a date that is not later than the 30th day after the date the warrant is served. The judge may indicate in a warrant that the deadline for compliance is earlier than the 15th business day after the date the warrant is served if the officer makes a showing and the judge finds that failure to comply with the warrant by the earlier deadline would cause serious jeopardy to an investigation, cause undue delay of a trial, or create a material risk of:

(1) danger to the life or physical safety of any person;

(2) flight from prosecution;

(3) the tampering with or destruction of evidence; or

(4) intimidation of potential witnesses.

(k) If the authorized peace officer serving the warrant under this section also delivers an affidavit form to the provider of an electronic communications service or the provider of a remote computing service responding to the warrant, and the peace officer also notifies the provider in writing that an executed affidavit is required, then the provider shall verify the authenticity of the customer data, contents of communications, and other information produced in compliance with the warrant by including with the information the affidavit form completed and sworn to by a person who is a custodian of the information or a person otherwise qualified to attest to its authenticity that states that the information was stored in the course of regularly conducted business of the provider and specifies whether it is the regular practice of the provider to store that information.

(l) On a service provider's compliance with a warrant under this section, an authorized peace officer shall file a return of the warrant and a copy of the inventory of the seized property as required under Article 18.10.

(m) The district judge shall hear and decide any motion to quash the warrant not later than the fifth business day after the date the service provider files the motion. The judge may allow the service provider to appear at the hearing by teleconference.

(n) A provider of an electronic communications service or a provider of a remote computing service responding to a warrant issued under this section may request an extension of the period for compliance with the warrant if extenuating circumstances exist to justify the extension. The district judge shall grant a request for an extension based on those circumstances if:

(1) the authorized peace officer who applied for the warrant or another appropriate authorized peace officer agrees to the extension; or

(2) the district judge finds that the need for the extension outweighs the likelihood that the extension will cause an adverse circumstance described by Subsection (j).

Sec. 5B. WARRANT ISSUED IN ANOTHER STATE FOR STORED CUSTOMER DATA OR COMMUNICATIONS. Any domestic entity that provides electronic communications services or remote computing services to the public shall comply with a warrant issued in another state and seeking information described by Section 5A(b), if the warrant is served on the entity in a manner equivalent to the service of process requirements provided in Section 5A(h).

SECTION 8. Section 6, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 6. BACKUP PRESERVATION. (a) A subpoena or court order for disclosure of certain electronic customer data held ~~[the contents of an electronic communication]~~ in electronic storage by a provider of an electronic communications service or a provider of a remote computing service under Section 4(b) ~~[4(c) of this article]~~ may require that ~~[the service]~~ provider to ~~[whom the request is directed]~~ create a copy of the customer data ~~[contents of the electronic communications]~~ sought by the subpoena or court order for the purpose of preserving that data ~~[those contents]~~. The ~~[service]~~ provider may not inform the subscriber or customer whose data is ~~[communications are]~~ being sought that the subpoena or court order has been issued. The ~~[service]~~ provider shall create the copy within a reasonable time as determined by the court issuing ~~[not later than two business days after the date of the receipt by the service provider of]~~ the subpoena or court order.

(b) The provider of an electronic communications service or the provider of a remote computing service shall immediately notify the authorized peace officer who presented the subpoena or court order requesting the copy when the copy has been created.

(c) ~~The~~ ~~[Except as provided by Section 7 of this article, the]~~ authorized peace officer shall notify the subscriber or customer whose electronic customer data is ~~[communications are]~~ the subject of the subpoena or court order of the creation of the copy not later than three days after the date of the receipt of the notification from the applicable ~~[service]~~ provider that the copy was created.

(d) The provider of an electronic communications service or the provider of a remote computing service shall release the copy to the requesting authorized peace officer not earlier than the 14th day after the date of the peace officer's notice to the subscriber or customer if the ~~[service]~~ provider has not:

(1) initiated proceedings to challenge the request of the peace officer for the copy; or

(2) received notice from the subscriber or customer that the subscriber or customer has initiated proceedings to challenge the request.

(e) The provider of an electronic communications service or the provider of a remote computing service may not destroy or permit the destruction of the copy until the electronic customer data ~~[information]~~ has been delivered to the applicable ~~[designated]~~ law enforcement ~~[office or]~~ agency or until the resolution of any court proceedings, including appeals of any proceedings, relating to the subpoena or court order requesting the creation of the copy, whichever occurs last.

(f) An authorized peace officer who reasonably believes that notification to the subscriber or customer of the subpoena or court order would result in the destruction of or tampering with electronic customer data ~~[information]~~ sought may request the creation of a copy of the data ~~[information]~~. The peace officer's belief is not subject to challenge by the subscriber or customer or by a ~~[service]~~ provider of an electronic communications service or a provider of a remote computing service.

(g)(1) A subscriber or customer who receives notification as described in Subsection (c) ~~[of this section]~~ may file a written motion to quash the subpoena or vacate the court order in the court that issued the subpoena or court order not later than the 14th day after the date of the receipt of the notice. The motion must contain an affidavit or sworn statement stating ~~[that]~~:

(A) that the applicant is a subscriber or customer of the provider of an electronic communications service or the provider of a remote computing service from which the electronic customer data held in ~~[contents of]~~ electronic storage ~~[communications stored]~~ for the subscriber or customer has ~~[have]~~ been sought; and

(B) the applicant's reasons for believing that the customer data ~~[information]~~ sought is not relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of this article in some other respect.

(2) The subscriber or customer shall give written notice to the provider of an electronic communications service or the provider of a remote computing service of the challenge to the subpoena or court order. The authorized peace officer ~~[or designated law enforcement office or agency]~~ requesting the subpoena or court order must ~~[shall]~~ be served a copy of the papers filed by personal delivery or by registered or certified mail.

(h)(1) The court shall order the authorized peace officer to file a sworn response to the motion filed by the subscriber or customer if the court determines that the subscriber or customer has complied with the requirements of Subsection (g) ~~[of this section]~~. On request of the peace officer, the court may permit the response to be filed in camera. The court may conduct any additional proceedings the court considers

appropriate if the court is unable to make a determination on the motion on the basis of the parties' initial allegations and response.

(2) The court shall rule on the motion as soon after the filing of the officer's response as practicable. The court shall deny the motion if the court finds that the applicant is not the subscriber or customer whose electronic customer data held in electronic storage is ~~[stored communications are]~~ the subject of the subpoena or court order or that there is reason to believe that the peace officer's inquiry is legitimate and that the customer data ~~[communications]~~ sought is ~~[are]~~ relevant to that inquiry. The court shall quash the subpoena or vacate the order if the court finds that the applicant is the subscriber or customer whose data is ~~[stored communications are]~~ the subject of the subpoena or court order and that there is not a reason to believe that the data is ~~[communications-sought are]~~ relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of this article.

(3) A court order denying a motion or application under this section is not a final order and no interlocutory appeal may be taken from the denial.

SECTION 9. Section 8, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 8. PRECLUSION OF NOTIFICATION. (a) An ~~[When an]~~ authorized peace officer seeking electronic customer data ~~[information]~~ under Section 4 ~~[of this article is not required to give notice to the subscriber or customer or is delaying notification under Section 7 of this article, the peace officer]~~ may apply to the court for an order commanding the service provider to whom a warrant, subpoena, or court order is directed not to disclose to any ~~[other]~~ person the existence of the warrant, subpoena, or court order. The order is effective for the period the court considers appropriate. The court shall enter the order if the court determines that there is reason to believe that notification of the existence of the warrant, subpoena, or court order will have an adverse result ~~[as described in Section 7(c) of this article]~~.

(b) In this section, an "adverse result" means:

(1) endangering the life or physical safety of an individual;

(2) flight from prosecution;

(3) destruction of or tampering with evidence;

(4) intimidation of a potential witness; or

(5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

SECTION 10. Sections 9(a) and (b), Article 18.21, Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (c) of this section, an authorized peace officer who obtains electronic customer data under Section 4 or other information under this article shall reimburse the person assembling or providing the data or information for all costs that are reasonably necessary and that have been directly incurred in searching for, assembling, reproducing, or otherwise providing the data or information. These costs include costs arising from necessary disruption of normal operations of a provider of an electronic communications service or a provider of a remote computing service in which the electronic customer data may be held in electronic storage or in which the other information may be stored.

(b) The authorized peace officer and the person providing the electronic customer data or other information may agree on the amount of reimbursement. If there is no agreement, the court that issued the order for production of the data or information shall determine the amount. If no court order was issued for production of the data or information, the court before which the criminal prosecution relating to the data or information would be brought shall determine the amount.

SECTION 11. Section 10, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 10. NO CAUSE OF ACTION. A subscriber or customer of a provider of an ~~[wire or]~~ electronic communications service or a provider of a remote computing service does not have a cause of action against a provider or ~~[wire or electronic communications or remote computing service,]~~ its officers, employees, or agents~~[-]~~ or against other specified persons for providing information, facilities, or assistance as required by a court order, warrant, subpoena, or certification under this article.

SECTION 12. Section 12(a), Article 18.21, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by Section 10 of this article, a provider of an electronic communications service or



a provider of a remote computing service, or a subscriber or customer of that provider, that is ~~[an electronic communications service]~~ aggrieved by a violation of this article has a civil cause of action if the conduct constituting the violation was committed knowingly or intentionally and is entitled to:

- (1) injunctive relief;
- (2) a reasonable attorney's fee and other litigation costs reasonably incurred; and
- (3) the sum of the actual damages suffered and any profits made by the violator as a result of the violation or \$1,000, whichever is more.

SECTION 13. Section 7, Article 18.21, Code of Criminal Procedure, is repealed.

SECTION 14. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 2302**

#### AN ACT

relating to signing electronic or digital court documents, to the electronic filing system established by the Texas Supreme Court, to the statewide electronic filing system fund, to certain court fees and court costs, and to recovery of electronic filing fees by taxing units; imposing and authorizing certain fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Government Code, is amended by adding Section 21.011 to read as follows:

Sec. 21.011. ELECTRONIC OR DIGITAL SIGNATURE. A judge or justice presiding over a court in this state may sign an electronic or digital court document, including an order, judgment, ruling, notice, commission, or precept, electronically, digitally, or through another secure method. The document signed in that manner is the official document issued by the court.

SECTION 2. Chapter 51, Government Code, is amended by adding Subchapter I-1 to read as follows:

#### SUBCHAPTER I-1. ELECTRONIC FILING FEE

Sec. 51.851. ELECTRONIC FILING FEE. (a) In this section, "conviction" has the meaning assigned by Section 133.101, Local Government Code.

(b) In addition to other fees authorized or required by law, the clerk of the supreme court, a court of appeals, a district court, a county court, a statutory county court, or a statutory probate court shall collect a \$20 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

(c) In addition to other fees authorized or required by law, the clerk of a justice court shall collect a \$10 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to be used as provided by Section 51.852.

(d) In addition to other court costs, a person shall pay \$5 as a court cost on conviction of any criminal offense in a district court, county court, or statutory county court.

(e) A court may waive payment of a court cost or fee due under this section for an individual the court determines is indigent.

(f) Court costs and fees due under this section shall be collected in the same manner as other fees, fines, or costs in the case.

(g) The clerk of a district court, a county court, a statutory county court, a statutory probate court, or a justice court shall deposit the court costs and fees collected under this section in the appropriate local treasury and remit the court costs and fees to the comptroller in the manner provided by Subchapter B, Chapter 133, Local Government Code.

(h) The clerk of the supreme court or of a court of appeals shall remit the fees collected under this section to the comptroller.

(i) The comptroller shall deposit the court costs and fees received under this section to the credit of the statewide electronic filing system fund established under Section 51.852.



(j) The comptroller may audit the records of a county related to costs and fees collected under this section.

(k) Money spent from costs and fees collected under this section is subject to audit by the state auditor.

Sec. 51.852. STATEWIDE ELECTRONIC FILING SYSTEM FUND. (a) The statewide electronic filing system fund is an account in the general revenue fund.

(b) Money in the statewide electronic filing system fund may only be appropriated to the Office of Court Administration of the Texas Judicial System and used to:

(1) support a statewide electronic filing technology project for courts in this state;

(2) provide grants to counties to implement components of the project; or

(3) support court technology projects that have a statewide impact as determined by the office of court administration.

SECTION 3. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.031 to read as follows:

Sec. 72.031. ELECTRONIC FILING SYSTEM. (a) In this section:

(1) "Appellate court" means the supreme court, the court of criminal appeals, or a court of appeals.

(2) "Electronic filing system" means the filing system established by supreme court rule or order for the electronic filing of documents in courts of this state.

(3) "Electronic filing transaction" means the simultaneous electronic filing of one or more documents related to a proceeding before a court in this state.

(4) "Local government" means a county or municipality.

(b) The office as authorized by supreme court rule or order may implement an electronic filing system for use in the courts of this state.

(c) A local government or appellate court that uses the electronic filing system may charge a fee of \$2 for each electronic filing transaction if:

(1) the fee is necessary to recover the actual system operating costs reasonably incurred by the local government or appellate court to:

(A) accept electronic payment methods; or

(B) interface with other technology information systems;

(2) the fee does not include an amount to recover local government or appellate court employee costs, other than costs for directly maintaining the system;

(3) the governing body of the local government or the appellate court approves the fee using the local government or appellate court's standard approval process for fee increases; and

(4) the local government or appellate court annually certifies to the office on a form prescribed by the office that the amount of the fee is necessary to recover the actual system operating costs incurred by the local government or appellate court.

(c-1) This subsection and Subsection (c) expire September 1, 2019.

(d) A local government or appellate court that uses the electronic filing system may accept electronic payment methods, including payments made with credit and debit cards.

(e) A governmental entity not otherwise required to pay a filing fee under any other law may not be required to pay a fee established under this section.

(f) A court shall waive payment of any fee due under this section for an individual the court determines is indigent.

SECTION 4. Subchapter B, Chapter 101, Government Code, is amended by adding Section 101.0211 to read as follows:

Sec. 101.0211. ADDITIONAL SUPREME COURT FEES: GOVERNMENT CODE. The clerk of the supreme court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 5. Subchapter C, Chapter 101, Government Code, is amended by adding Section 101.0411 to read as follows:

Sec. 101.0411. ADDITIONAL COURT OF APPEALS FEES: GOVERNMENT CODE. The clerk of a court of appeals shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 6. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06118 to read as follows:

Sec. 101.06118. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 7. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08117 to read as follows:

Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a statutory county court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 8. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10116 to read as follows:

Sec. 101.10116. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. The clerk of a statutory probate court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 9. Subchapter G, Chapter 101, Government Code, is amended by adding Section 101.12126 to read as follows:

Sec. 101.12126. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a county court shall collect a statewide electronic filing system fund fee of \$20 under Section 51.851, Government Code.

SECTION 10. Subchapter H, Chapter 101, Government Code, is amended by adding Section 101.1411 to read as follows:

Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT CODE. The clerk of a justice court shall collect a statewide electronic filing system fund fee of \$10 under Section 51.851, Government Code.

SECTION 11. Subchapter C, Chapter 102, Government Code, is amended by adding Section 102.0415 to read as follows:

Sec. 102.0415. ADDITIONAL COURT COSTS ON CONVICTION IN DISTRICT COURT: GOVERNMENT CODE. The clerk of a district court shall collect from a defendant a court cost on conviction of \$5 under Section 51.851, Government Code.

SECTION 12. Subchapter D, Chapter 102, Government Code, is amended by adding Section 102.0615 to read as follows:

Sec. 102.0615. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: GOVERNMENT CODE. The clerk of a statutory county court shall collect from a defendant a court cost on conviction of \$5 under Section 51.851, Government Code.

SECTION 13. Subchapter E, Chapter 102, Government Code, is amended by adding Section 102.082 to read as follows:

Sec. 102.082. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: GOVERNMENT CODE. The clerk of a county court shall collect from a defendant a court cost on conviction of \$5 under Section 51.851, Government Code.

SECTION 14. Section 103.027, Government Code, is amended to read as follows:

Sec. 103.027. MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE. (a) Fees and costs shall be paid or collected under the Government Code as follows:

- (1) filing a certified copy of a judicial finding of fact and conclusion of law if charged by the secretary of state (Sec. 51.905, Government Code) . . . \$15;
- (2) cost paid by each surety posting the bail bond for an offense other than a misdemeanor punishable by fine only under Chapter 17, Code of Criminal Procedure, for the assistant prosecutor supplement fund and the fair defense account (Sec. 41.258, Government Code) . . . \$15, provided the cost does not exceed \$30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond;
- (3) to participate in a court proceeding in this state, a nonresident attorney fee (Sec. 82.0361, Government Code) . . . \$250 except as waived or reduced under supreme court rules for representing an indigent person;
- (4) on a party's appeal of a final decision in a contested case, the cost of preparing the original or a certified copy of the record of the agency proceeding, if required by the agency's rule, as a court cost (Sec. 2001.177,

Government Code) . . . as assessed by the court, all or part of the cost of preparation;  
(5) compensation to a referee in juvenile court in Wichita County taxed as costs if the judge determines the parties are able to pay the costs (Sec. 54.403, Government Code) . . . as determined by the judge; and  
(6) the expense of preserving the record as a court cost in Brazos County if imposed on a party by the referring court or magistrate (Sec. 54.1111, Government Code) . . . actual cost.

(b) Any fee of \$2 charged by a local government or appellate court for an electronic filing transaction as authorized under Section 72.031(c), Government Code, shall be collected. This subsection expires September 1, 2019.

SECTION 15. Section 231.202, Family Code, is amended to read as follows:

Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D CASES. In a Title IV-D case filed under this title, including a case filed under Chapter 159, the Title IV-D agency shall pay only the following costs and fees:

- (1) filing fees and fees for issuance and service of process as provided by Chapter 110 of this code and by Sections 51.317(b)(1), (2), and (3) and (b-1), 51.318(b)(2), and 51.319(2), Government Code;
- (2) fees for transfer as provided by Chapter 110;
- (3) fees for the issuance and delivery of orders and writs of income withholding in the amounts provided by Chapter 110;
- (4) the fee for services provided by sheriffs and constables, including:
  - (A) a fee authorized under Section 118.131, Local Government Code, for serving each item of process to each individual on whom service is required, including service by certified or registered mail; and
  - (B) a fee authorized under Section 157.103(b) for serving a capias;
- (5) the fee for filing an administrative writ of withholding under Section 158.503(d);
- (6) the fee for issuance of a subpoena as provided by Section 51.318(b)(1), Government Code; and
- (7) a fee authorized by Section 72.031, Government Code, [~~under a local rule~~] for the electronic filing of documents with a clerk.

SECTION 16. Section 231.204, Family Code, is amended to read as follows:

Sec. 231.204. PROHIBITED FEES IN TITLE IV-D CASES. Except as provided by this subchapter, an appellate court, a clerk of an appellate court, a district or county clerk, sheriff, constable, or other government officer or employee may not charge the Title IV-D agency or a private attorney or political subdivision that has entered into a contract to provide Title IV-D services any fees or other amounts otherwise imposed by law for services rendered in, or in connection with, a Title IV-D case, including:

- (1) a fee payable to a district clerk for:
  - (A) performing services related to the estates of deceased persons or minors;
  - (B) certifying copies; or
  - (C) comparing copies to originals;
- (2) a court reporter fee, except as provided by Section 231.209;
- (3) a judicial fund fee;
- (4) a fee for a child support registry, enforcement office, or domestic relations office;
- (5) a fee for alternative dispute resolution services; [~~and~~]
- (6) a filing fee or other costs payable to a clerk of an appellate court; and
- (7) a statewide electronic filing system fund fee.

SECTION 17. Section 133.058(d), Local Government Code, is amended to read as follows:

- (d) A county may not retain a service fee on the collection of a fee:
  - (1) for the judicial fund; [~~or~~]
  - (2) under Sections 14 and 19, Article 42.12, Code of Criminal Procedure; or
  - (3) under Section 51.851, Government Code.

SECTION 18. The imposition of a cost of court on conviction under Section 51.851, Government Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 19. Section 33.48(a), Tax Code, is amended to read as follows:

(a) In addition to other costs authorized by law, a taxing unit is entitled to recover the following costs and expenses in a suit to collect a delinquent tax:

- (1) all usual court costs, including the cost of serving process and electronic filing fees;
- (2) costs of filing for record a notice of lis pendens against property;
- (3) expenses of foreclosure sale;
- (4) reasonable expenses that are incurred by the taxing unit in determining the name, identity, and location of necessary parties and in procuring necessary legal descriptions of the property on which a delinquent tax is due;
- (5) attorney's fees in the amount of 15 percent of the total amount of taxes, penalties, and interest due the unit; and
- (6) reasonable attorney ad litem fees approved by the court that are incurred in a suit in which the court orders the appointment of an attorney to represent the interests of a defendant served with process by means of citation by publication or posting.

SECTION 20. Section 33.49(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a taxing unit is not liable in a suit to collect taxes for court costs, including any fees for service of process and electronic filing fees, an attorney ad litem, arbitration, or mediation, and may not be required to post security for costs.

SECTION 21. (a) Section 51.607, Government Code, does not apply to the imposition of a fee assessed under:

- (1) Section 51.851, Government Code, as added by this Act;
- (2) Section 101.0211, Government Code, as added by this Act;
- (3) Section 101.0411, Government Code, as added by this Act;
- (4) Section 101.06118, Government Code, as added by this Act;
- (5) Section 101.08117, Government Code, as added by this Act;
- (6) Section 101.10116, Government Code, as added by this Act;
- (7) Section 101.12126, Government Code, as added by this Act;
- (8) Section 101.1411, Government Code, as added by this Act;
- (9) Section 102.0415, Government Code, as added by this Act;
- (10) Section 102.0615, Government Code, as added by this Act; or
- (11) Section 102.082, Government Code, as added by this Act.

(b) The changes in law made by this Act apply only to a fee that becomes payable on or after September 1, 2013. A fee that becomes payable before that date is governed by the law in effect when the fee became payable, and the former law is continued in effect for that purpose.

SECTION 22. Not later than December 1, 2018, the Office of Court Administration of the Texas Judicial System shall file a report with the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of each house of the legislature with jurisdiction over the judiciary detailing the number of local governments and appellate courts collecting a fee under Section 72.031(c), Government Code, as added by this Act, and the necessity of the local governments and appellate courts to continue collecting the fee.

SECTION 23. This Act takes effect September 1, 2013.

**H.B. No. 2204**

AN ACT

relating to the establishment of a variable speed limit pilot program by the Texas Transportation Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

- (1) "Commission" means the Texas Transportation Commission.
- (2) "Department" means the Texas Department of Transportation.

SECTION 2. VARIABLE SPEED LIMIT PILOT PROGRAM. (a) The commission by rule shall establish and the department shall implement a variable speed limit pilot program to study the effectiveness of temporarily lowering prima facie speed limits to address inclement weather, congestion, road construction, or any other



condition that affects the safe and orderly movement of traffic on a roadway. Notice of a speed limit established under the pilot program may be displayed using a stationary or portable changeable message sign, as defined by Section 544.013, Transportation Code.

(b) The commission shall select up to three locations to test the pilot program.

(c) The commission shall inform the Department of Public Safety and any affected local law enforcement agency about the pilot program and the locations that are being used to test the pilot program.

(d) A speed limit that is established under the pilot program:

(1) must be based on an engineering and traffic investigation;

(2) may be effective for all or a designated portion of the highway and may be effective for any period of the day or night, as the department determines necessary; and

(3) is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins.

SECTION 3. REPORT. Not later than December 31, 2014, the commission shall submit a report to the legislature that includes information about the pilot program, the results of the pilot program, and any recommendations for statutory changes based on the results of the pilot program.

SECTION 4. EXPIRATION. This Act expires February 1, 2015.

SECTION 5. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 2305**

#### AN ACT

relating to motor vehicle inspections; creating an offense; changing the collection method for certain fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 548.104, Transportation Code, is amended to read as follows:

Sec. 548.104. EQUIPMENT-RELATED PREREQUISITES TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT [~~CERTIFICATE~~]. (a) The commission shall adopt uniform standards of safety applicable to each item required to be inspected by Section 548.051. The standards and the list of items to be inspected shall be posted in each inspection station.

(b) An inspection station or inspector may issue a passing vehicle [~~an~~] inspection report [~~certificate~~] only if the vehicle is inspected and found to be in proper and safe condition and to comply with this chapter and the rules adopted under this chapter.

(c) An inspection station or inspector may inspect only the equipment required to be inspected by Section 548.051 and may not:

(1) falsely and fraudulently represent to an applicant that equipment required to be inspected must be repaired, adjusted, or replaced before the vehicle will pass inspection; or

(2) require an applicant to have another part of the vehicle or other equipment inspected as a prerequisite for issuance of a passing vehicle [~~an~~] inspection report [~~certificate~~].

(d) An inspection station or inspector may not issue a passing vehicle [~~an~~] inspection report [~~certificate~~] for a vehicle equipped with:

(1) a carburetion device permitting the use of liquefied gas alone or interchangeably with another fuel, unless a valid liquefied gas tax decal issued by the comptroller is attached to the lower right-hand corner of the front windshield of the vehicle on the passenger side; [~~or~~]

(2) a sunscreening device prohibited by Section 547.613, except that the department by rule shall provide procedures for issuance of a passing vehicle [~~an~~] inspection report [~~certificate~~] for a vehicle exempt under Section 547.613(c); or

(3) a compressed natural gas container unless the owner demonstrates in accordance with department rules

proof:

(A) that:



(i) the container has met the inspection requirements under 49 C.F.R. Section 571.304; and  
(ii) the manufacturer’s recommended service life for the container, as stated on the container label required by 49 C.F.R. Section 571.304, has not expired; or  
(B) that the vehicle is a fleet vehicle for which the fleet operator employs a technician certified to inspect the container.

(e) The department shall adopt rules relating to inspection of and issuance of a vehicle [an] inspection report [certificate] for a moped.

SECTION 2. Article 45.003, Code of Criminal Procedure, is amended to read as follows:

Art. 45.003. DEFINITION FOR CERTAIN PROSECUTIONS. For purposes of dismissing a charge under Section 502.407 [~~or 548.605~~], Transportation Code, “day” does not include Saturday, Sunday, or a legal holiday.

SECTION 3. Section 51.207(d), Education Code, is amended to read as follows:

(d) This subsection applies only to a public institution of higher education campus that is not covered by Subsection (b). The institution may not issue a permit to a student of the institution for driving or parking a motor vehicle on institutional property unless the institution provides written notice to the student that failure to register the vehicle in this state [~~or to display a current and appropriate inspection certificate issued under Chapter 548, Transportation Code,~~] may violate state law if the owner of the vehicle resides in this state.

SECTION 4. Section 103.0213, Government Code, is amended to read as follows:

Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Transportation Code if ordered by the court or otherwise required:

- (1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . not to exceed \$20;
- (2) administrative fee on dismissal of charge of driving with an expired driver’s license (Sec. 521.026, Transportation Code) . . . not to exceed \$20;
- (3) [~~administrative fee on remediation of charge of driving with an expired inspection certificate (Sec. 548.605, Transportation Code) . . . not to exceed \$20;~~
- [~~(4)~~] administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation; and
- (4) [(5)] administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

SECTION 5. Section 382.0622(a), Health and Safety Code, is amended to read as follows:

(a) Clean Air Act fees consist of:

- (1) fees collected by the commission under Sections 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided by law;
- (2) \$2 of each fee [advance payment] collected for inspections of [by the Department of Public Safety for inspection certificates for] vehicles other than mopeds under Section 548.501, Transportation Code; and
- (3) fees collected that are required under Section 185 of the federal Clean Air Act (42 U.S.C. Section 7511d).

SECTION 6. Sections 382.202(d) and (l), Health and Safety Code, are amended to read as follows:

(d) On adoption of a resolution by the commission and after proper notice, the Department of Public Safety of the State of Texas shall implement a system that requires, as a condition of obtaining a passing vehicle [safety] inspection report [certificate] issued under Subchapter C, Chapter 548, Transportation Code, in a county that is included in a vehicle emissions inspection and maintenance program under Subchapter F of that chapter, that the vehicle, unless the vehicle is not covered by the system, be annually or biennially inspected under the vehicle emissions inspection and maintenance program as required by the state’s air quality state implementation plan. The Department of Public Safety shall implement such a system when it is required by any provision of federal or state law, including any provision of the state’s air quality state implementation plan.

(l) Except as provided by this subsection, a person who sells or transfers ownership of a motor vehicle for which a passing vehicle [emissions] inspection report [certificate] has been issued is not liable for the cost of emission control system repairs that are required for the vehicle subsequently to receive a passing report [an emissions-inspection certificate]. This subsection does not apply to repairs that are required because emission control

equipment or devices on the vehicle were removed or tampered with before the sale or transfer of the vehicle.

SECTION 7. Section 382.205(d), Health and Safety Code, is amended to read as follows:

(d) The Department of Public Safety of the State of Texas by rule shall adopt:

- (1) testing procedures in accordance with motor vehicle emissions testing equipment specifications; and
- (2) procedures for issuing a vehicle ~~[or denying an emissions]~~ inspection report following an emissions inspection and submitting information to the inspection database described by Section 548.251, Transportation Code, following an emissions inspection ~~[certificate]~~.

SECTION 8. Sections 382.220(b) and (d), Health and Safety Code, are amended to read as follows:

(b) A program under this section must be implemented in consultation with the commission and may include a program to:

- (1) expand and enhance the AirCheck Texas Repair and Replacement Assistance Program;
- (2) develop and implement programs or systems that remotely determine vehicle emissions and notify the vehicle's operator;
- (3) develop and implement projects to implement the commission's smoking vehicle program;
- (4) develop and implement projects in consultation with the director of the Department of Public Safety for coordinating with local law enforcement officials to reduce the use of counterfeit registration insignia and vehicle inspection reports ~~[state inspection stickers]~~ by providing local law enforcement officials with funds to identify vehicles with counterfeit registration insignia and vehicle inspection reports ~~[state inspection stickers]~~ and to carry out appropriate actions;
- (5) develop and implement programs to enhance transportation system improvements; or
- (6) develop and implement new air control strategies designed to assist local areas in complying with state and federal air quality rules and regulations.

(d) Fees collected under Sections 382.202 and 382.302 may be used, in an amount not to exceed \$5 million per fiscal year, for projects described by Subsection (b). The fees shall be made available only to counties participating in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs created under Section 382.209 and only on a matching basis, whereby the commission provides money to a county in the same amount that the county dedicates to a project authorized by Subsection (b). The commission may reduce the match requirement for a county that proposes to develop and implement independent test facility fraud detection programs, including the use of remote sensing technology for coordinating with law enforcement officials to detect, prevent, and prosecute the use of counterfeit registration insignia and vehicle inspection reports ~~[state inspection stickers]~~.

SECTION 9. Sections 2308.253(d) and (e), Occupations Code, are amended to read as follows:

(d) Except as provided by a contract described by Subsection (e), a parking facility owner may not have a vehicle removed from the parking facility merely because the vehicle does not display[-:

- ~~[(1)]~~ an unexpired license plate or registration insignia issued for the vehicle under Chapter 502, Transportation Code, or the vehicle registration law of another state or country[-; or
- ~~[(2)]~~ a valid vehicle inspection certificate issued under Chapter 548, Transportation Code, or the vehicle inspection law of another state or country].

(e) A contract provision providing for the removal from a parking facility of a vehicle that does not display an unexpired license plate or registration insignia ~~[or a valid inspection certificate]~~ is valid only if the provision requires the owner or operator of the vehicle to be given at least 10 days' written notice that the vehicle will be towed from the facility at the vehicle owner's or operator's expense if it is not removed from the parking facility. The notice must be:

- (1) delivered in person to the owner or operator of the vehicle; or
- (2) sent by certified mail, return receipt requested, to that owner or operator.

SECTION 10. Section 501.030(a), Transportation Code, is amended to read as follows:

(a) Before a motor vehicle that was last registered or titled in another state or country may be titled in this state, ~~[the applicant must furnish]~~ the county assessor-collector shall verify that the vehicle has passed the inspections required by Chapter 548, as indicated in the Department of Public Safety's inspection database under Section 548.251 ~~[with a verification form under Section 548.256]~~.

SECTION 11. Section 502.0023, Transportation Code, is amended by adding Subsection (j) to read as follows: (j) A motor vehicle, semitrailer, or trailer registered under this section is subject to the inspection requirements of Chapter 548 as if the vehicle, semitrailer, or trailer were registered without extended registration. The department and the Department of Public Safety shall by rule establish a method to enforce the inspection requirements of Chapter 548 for motor vehicles, semitrailers, and trailers registered under this section. The department may assess a fee to cover the department's administrative costs of implementing this subsection.

SECTION 12. Section 502.047, Transportation Code, is amended to read as follows:

Sec. 502.047. REGISTRATION-BASED ENFORCEMENT OF MOTOR VEHICLE [EMISSIONS] INSPECTION [AND MAINTENANCE] REQUIREMENTS. (a) The department and the Department of Public Safety shall ensure compliance with the motor vehicle inspection requirements under Chapter 548, including compliance with the motor vehicle emissions inspection and maintenance program under Subchapter F of that chapter, through a vehicle registration-based enforcement system [inspection-sticker-based enforcement system except as provided by this section or Section 548.3011. Subsections (b)-(e) apply only if the United States Environmental Protection Agency determines that the state has not demonstrated, as required by 40-C.F.R. Section 51.361, that sticker-based enforcement of the program is more effective than registration-based enforcement and gives the Texas Commission on Environmental Quality or the governor written notification that the reregistration-based enforcement of the program, as described by those subsections, will be required. If Subsections (b)-(e) are made applicable as provided by this subsection, the department shall terminate reregistration-based enforcement of the program under those subsections on the date the United States Environmental Protection Agency gives the Texas Commission on Environmental Quality or a person the commission designates written notification that reregistration-based enforcement is not required for the state implementation plan].

(b) A motor vehicle may not be registered if the department receives from the Texas Commission on Environmental Quality or the Department of Public Safety notification that the registered owner of the vehicle has not complied with [Subchapter F,] Chapter 548.

(c) A motor vehicle may not be registered if the vehicle was denied registration under Subsection (b) unless verification is received that the registered vehicle owner is in compliance with [Subchapter F,] Chapter 548.

(d) The department and the Department of Public Safety shall enter into an agreement regarding the timely submission by the Department of Public Safety of inspection compliance information to the department.

(d-1) The department, the Texas Commission on Environmental Quality, and the Department of Public Safety shall enter an agreement regarding the responsibilities for costs associated with implementing this section.

(e) A county tax assessor-collector is not liable to any person for refusing to register a motor vehicle because of the person's failure to provide verification of the person's compliance with [Subchapter F,] Chapter 548.

SECTION 13. Section 502.059(c), Transportation Code, is amended to read as follows:

(c) Except as provided by Subsection (f), the registration insignia for validation of a license plate shall be attached to the inside of the vehicle's windshield, if the vehicle has a windshield, in the lower left corner in a manner that will not obstruct the vision of the driver [within six inches of the place where the motor vehicle inspection sticker is required to be placed]. If the vehicle does not have a windshield, the owner, when applying for registration or renewal of registration, shall notify the department, and the department shall issue a distinctive device for attachment to the rear license plate of the vehicle.

SECTION 14. The heading to Section 521.3465, Transportation Code, is amended to read as follows:

Sec. 521.3465. AUTOMATIC SUSPENSION ON CONVICTION OF CERTAIN OFFENSES INVOLVING FICTITIOUS MOTOR VEHICLE LICENSE PLATES, REGISTRATION INSIGNIA, OR VEHICLE [SAFETY] INSPECTION REPORTS [CERTIFICATES].

SECTION 15. Section 521.3465(a), Transportation Code, is amended to read as follows:

(a) A license is automatically suspended on final conviction of the license holder of:

(1) an offense under Section 502.475(a)(4) [502.409(a)(4)]; or

(2) an offense under Section 548.603(a)(1) that involves a fictitious vehicle [safety] inspection report [certificate].

SECTION 16. Section 521.3466(a), Transportation Code, is amended to read as follows:

(a) A license is automatically revoked on final conviction of the license holder of an offense under Section 37.10, Penal Code, if the governmental record was a motor vehicle license plate or registration insignia, within the meaning of Chapter 502, or a vehicle [safety] inspection report [certificate], within the meaning of Chapter 548.

SECTION 17. Section 548.001, Transportation Code, is amended by adding Subdivision (10) to read as follows: (10) "Vehicle inspection report" means a report issued by an inspector or an inspection station for a vehicle that indicates whether the vehicle has passed the safety and, if applicable, emissions inspections required by this chapter.

SECTION 18. Section 548.004(c), Transportation Code, is amended to read as follows:

(c) The facility may inspect only a vehicle owned by the political subdivision or state agency. ~~[An officer, employee, or inspector of the subdivision or agency may not place an inspection certificate received from the department under this section on a vehicle not owned by the subdivision or agency.]~~

SECTION 19. Section 548.053(a), Transportation Code, is amended to read as follows:

(a) If an inspection discloses the necessity for adjustment, correction, or repair, an inspection station or inspector may not issue a passing vehicle inspection report [an inspection certificate] until the adjustment, correction, or repair is made. The owner of the vehicle may have the adjustment, correction, or repair made by a qualified person of the owner's choice, subject to reinspection. The vehicle shall be reinspected once free of charge within 15 days after the date of the original inspection, not including the date the original inspection is made, at the same inspection station after the adjustment, correction, or repair is made.

SECTION 20. The heading to Subchapter C, Chapter 548, Transportation Code, is amended to read as follows: SUBCHAPTER C. PERIODS OF INSPECTION; PREREQUISITES TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT [CERTIFICATE]

SECTION 21. Section 548.101, Transportation Code, is amended to read as follows:

Sec. 548.101. GENERAL ONE-YEAR INSPECTION PERIOD. Except as provided by Section 548.102, the department shall require an annual inspection. The department shall set the periods of inspection and may make rules with respect to those periods. The rules must provide that:

(1) a vehicle owner may obtain an inspection not earlier than 90 days before the date of expiration of the vehicle's registration; and

(2) a used motor vehicle sold by a dealer, as defined by Section 503.001, must be inspected in the 180 days preceding the date the dealer sells the vehicle.

SECTION 22. Section 548.103, Transportation Code, is amended to read as follows:

Sec. 548.103. EXTENDED INSPECTION PERIOD FOR CERTAIN VEHICLES. The department may extend the time within which the resident owner of a vehicle that is not in this state when an inspection is required must obtain a vehicle [an] inspection report [certificate] in this state.

SECTION 23. Section 548.105, Transportation Code, is amended to read as follows:

Sec. 548.105. EVIDENCE OF FINANCIAL RESPONSIBILITY AS PREREQUISITE TO ISSUANCE OF PASSING VEHICLE INSPECTION REPORT [CERTIFICATE]. (a) An inspection station or inspector may not issue a passing vehicle [an] inspection report [certificate] for a vehicle unless the owner or operator furnishes evidence of financial responsibility at the time of inspection. Evidence of financial responsibility may be shown in the manner specified under Section 601.053(a). A personal automobile insurance policy used as evidence of financial responsibility must be written for a term of 30 days or more as required by Section 1952.054 [Article 5-06], Insurance Code.

(b) An inspection station is not liable to a person, including a third party, for issuing a passing vehicle [an] inspection report [certificate] in reliance on evidence of financial responsibility furnished to the station. An inspection station that is the seller of a motor vehicle may rely on an oral insurance binder.

SECTION 24. The heading to Subchapter E, Chapter 548, Transportation Code, is amended to read as follows: SUBCHAPTER E. ISSUANCE[~~-, RECORDING, AND PROOF~~] OF VEHICLE INSPECTION REPORTS; SUBMISSION OF INFORMATION TO DEPARTMENT DATABASE [CERTIFICATES AND VERIFICATION FORMS]

SECTION 25. Section 548.251, Transportation Code, is amended to read as follows:



Sec. 548.251. DEPARTMENT TO MAINTAIN DATABASE [~~PROVIDE INSPECTION CERTIFICATES AND VERIFICATION FORMS~~]. The department shall maintain an electronic database to which inspection stations may electronically submit the information required by Section 548.253 [~~provide serially numbered inspection certificates and verification forms to inspection stations. The department may issue a unique inspection certificate for:~~

[~~(1) a commercial motor vehicle inspected under Section 548.201; or~~

[~~(2) a vehicle inspected under Subchapter F~~].

SECTION 26. Section 548.252, Transportation Code, is amended to read as follows:

Sec. 548.252. ISSUANCE [~~SAFEKEEPING AND CONTROL~~] OF VEHICLE INSPECTION REPORTS [~~CERTIFICATES AND VERIFICATION FORMS~~]. (a) The department by rule shall require an inspection station to:

(1) issue a vehicle inspection report to the owner or operator of each vehicle inspected by the station; and

(2) issue a passing vehicle inspection report to the owner or operator of each vehicle inspected by the station that passes the inspections required by this chapter.

(b) The department may adopt rules regarding the issuance of vehicle inspection reports, including rules providing for [~~On being licensed, an inspector or owner of an inspection station shall:~~

[~~(1) provide for~~] the format and safekeeping of the reports [~~inspection certificates and verification forms;~~

[~~(2) safeguard the certificates and forms against theft, loss, or damage;~~

[~~(3) control the sequence of issuance of the certificates and forms; and~~

[~~(4) ensure that the certificates and forms are issued in accordance with department rules~~].

SECTION 27. Section 548.253, Transportation Code, is amended to read as follows:

Sec. 548.253. INFORMATION TO BE SUBMITTED [~~RECORDED~~] ON COMPLETION [~~ISSUANCE~~] OF INSPECTION [~~CERTIFICATE AND VERIFICATION FORM~~]. An inspection station or inspector, on completion of [~~issuing~~] an inspection [~~certificate and verification form~~], shall electronically submit to the department's inspection database:

(1) the vehicle identification number of the inspected vehicle and an indication of whether the vehicle passed the inspections required by this chapter [~~make a record and report as prescribed by the department of the inspection and certificate issued~~]; and

(2) any additional [~~include in the inspection certificate and verification form the~~] information required by rule by the department for the type of vehicle inspected.

SECTION 28. Section 548.254, Transportation Code, is amended to read as follows:

Sec. 548.254. VALIDITY OF VEHICLE INSPECTION REPORT [~~CERTIFICATE~~]. A vehicle [~~An~~] inspection report [~~certificate~~] is invalid after the end of the 12th month following the month in which the report [~~certificate~~] is issued. [~~An unused inspection certificate representing a previous inspection period may not be issued after the beginning of the next period.~~]

SECTION 29. Section 548.256, Transportation Code, is amended to read as follows:

Sec. 548.256. PROOF OF INSPECTION [~~VERIFICATION FORM~~] REQUIRED TO REGISTER VEHICLE.

[~~(a)~~] Before a vehicle [~~that is brought into this state by a person other than a manufacturer or importer~~] may be registered, the Texas Department of Motor Vehicles or the county assessor-collector registering the vehicle shall verify that the vehicle has passed the inspections required by this chapter, as indicated in the department's inspection database. If the database information is not available, the owner of the vehicle may present a vehicle inspection report issued for the vehicle [~~the owner must have the vehicle inspected and have the inspection station record the following information on a verification form prescribed and provided by the department:~~

[~~(1) the vehicle identification number;~~

[~~(2) the number appearing on the odometer of the vehicle at the time of the inspection, if the vehicle has an odometer; and~~

[~~(3) other information the department requires~~].

[~~(b) An inspection station may not issue the verification form unless the vehicle complies with the inspection requirements of this chapter.~~]

SECTION 30. Section 548.258(b), Transportation Code, is amended to read as follows:



(b) The department may adopt rules to require an inspection station to use the state electronic Internet portal to ~~to~~ ~~purchase inspection certificates; or~~ ~~send to the department a record, report, or other information required by the department.~~

SECTION 31. Section 548.301(c), Transportation Code, is amended to read as follows:

(c) A program established under this section must ~~[Subsection (b) or (b-1) may]~~ include registration and reregistration-based enforcement.

SECTION 32. Section 548.302, Transportation Code, is amended to read as follows:

Sec. 548.302. COMMISSION TO ADOPT STANDARDS AND REQUIREMENTS. The commission shall:

(1) adopt standards for emissions-related inspection criteria consistent with requirements of the United States and the conservation commission applicable to a county in which a program is established under this subchapter; and

(2) develop and impose requirements necessary to ensure that a passing vehicle [an] inspection report [certificate] is not issued to a vehicle subject to a program established under this subchapter and that information stating that a vehicle has passed an inspection is not submitted to the department's database unless the vehicle has passed a motor vehicle emissions inspection at a facility authorized and certified by the department.

SECTION 33. Section 548.304, Transportation Code, is amended to read as follows:

Sec. 548.304. STATIONS LICENSED TO CONDUCT EMISSIONS INSPECTIONS. ~~[(a)]~~ The department may authorize and certify inspection stations as necessary to implement the emissions-related inspection requirements of the motor vehicle emissions inspection and maintenance program established under this subchapter if the station meets the department's certification requirements.

~~[(b) The department shall provide inspection certificates for distribution and issuance at inspection stations certified by the department.]~~

SECTION 34. Section 548.401, Transportation Code, is amended to read as follows:

Sec. 548.401. CERTIFICATION GENERALLY. A person may perform an inspection, ~~or~~ issue a vehicle [an] inspection report, or submit inspection information to the department's inspection database [certificate] only if certified to do so by the department under rules adopted by the department.

SECTION 35. Section 548.407(d), Transportation Code, is amended to read as follows:

(d) The department may provide that a revocation or suspension takes effect on receipt of notice under Subsection (b) if the department finds that the action is necessary to prevent or remedy a threat to public health, safety, or welfare. Violations that present a threat to public health, safety, or welfare include:

(1) issuing a passing vehicle [an] inspection report or submitting inspection information to the department's database [certificate] with knowledge that the issuance or submission is in violation of this chapter or rules adopted under this chapter;

(2) falsely or fraudulently representing to the owner or operator of a vehicle that equipment inspected or required to be inspected must be repaired, adjusted, or replaced for the vehicle to pass an inspection;

(3) issuing a vehicle [an] inspection report or submitting inspection information to the department's database [certificate]:

(A) without authorization to issue the report or submit the information [certificate]; or

(B) without inspecting the vehicle;

(4) issuing a passing vehicle [an] inspection report or submitting inspection information to the department's database [certificate] for a vehicle with knowledge that the vehicle has not been repaired, adjusted, or corrected after an inspection has shown a repair, adjustment, or correction to be necessary;

(5) knowingly issuing a passing vehicle [an] inspection report or submitting inspection information to the department's database [certificate]:

(A) for a vehicle without conducting an inspection of each item required to be inspected; or

(B) for a vehicle that is missing an item required to be inspected or that has an item required to be inspected that is not in compliance with state law or department rules;

(6) refusing to allow a vehicle's owner to have a qualified person of the owner's choice make a required repair, adjustment, or correction;

(7) charging for an inspection an amount greater than the authorized fee;

- (8) a violation of Subchapter F;
- (9) a violation of Section 548.603; or
- (10) a conviction of a felony or a Class A or B misdemeanor that directly relates to or affects the duties or responsibilities of a vehicle inspection station or inspector or a conviction of a similar crime under the jurisdiction of another state or the federal government.

SECTION 36. Section 548.501, Transportation Code, is amended to read as follows:

Sec. 548.501. INSPECTION FEES GENERALLY. (a) Except as provided by Sections 548.503 and 548.504, the fee for inspection of a motor vehicle other than a moped is \$12.50. The fee for inspection of a moped is \$5.75.

~~[The fee for a verification form issued as required by Section 548.256 is \$1.]~~

(b) Out of each fee for an inspection, \$5.50 shall be remitted to the state under Section 548.509. ~~[An inspection station shall pay to the department \$5.50 of each fee for an inspection. The department may require the station to make an advance payment of \$5.50 for each inspection certificate provided to the station. If advance payment is made:~~

~~[(1) no further payment may be required on issuance of a certificate;~~

~~[(2) the inspection station may waive the fee due from the owner of an inspected vehicle who is issued a certificate to which the advance payment applies;~~

~~[(3) the department shall refund to the inspection station \$5.50 for each unissued certificate that the station returns to the department in accordance with department rules; and~~

~~[(4) the conservation commission shall pay to the department \$2 for each unissued certificate that the station returns to the department.]~~

SECTION 37. Section 548.502, Transportation Code, is amended to read as follows:

Sec. 548.502. INSPECTION BY POLITICAL SUBDIVISION OR STATE AGENCY. A political subdivision or state agency for which the department certifies an inspection station under Section 548.004:

(1) shall pay to the state ~~[department an advance payment of]~~ \$5.50 for each inspection under Section 548.509 ~~[certificate provided to it]; and~~

(2) may not be required to pay the remainder of the ~~[compulsory]~~ inspection fee.

SECTION 38. Section 548.503, Transportation Code, is amended to read as follows:

Sec. 548.503. INITIAL TWO-YEAR INSPECTION OF PASSENGER CAR OR LIGHT TRUCK. (a) The fee for inspection of a passenger car or light truck under Section 548.102 shall be set by the department by rule on or before September 1 of each year. A fee set by the department under this subsection must be based on the costs of ~~[producing certificates,]~~ providing inspections~~[-]~~ and administering the program, but may not be less than \$21.75.

(b) Out of each fee for an inspection under this section, \$14.75 shall be remitted to the state under Section 548.509. ~~[The department shall require an inspection station to make an advance payment of \$14.75 for a certificate to be issued under this section. Additional payment may not be required of the station for the certificate. The inspection station may waive the fee due from the owner of the vehicle inspected. A refund for an unissued certificate shall be made in the same manner as provided for other certificate refunds.]~~

SECTION 39. Section 548.504(b), Transportation Code, is amended to read as follows:

(b) Out of each fee for inspection of a commercial motor vehicle, \$10 shall be remitted to the state under Section 548.509. ~~[The inspection station shall pay to the department \$10 of each fee for inspection of a commercial motor vehicle. The department may require the station to make an advance payment of \$10 for a certificate to be issued under this section. If advance payment is made:~~

~~[(1) no additional payment may be required of the station for the certificate; and~~

~~[(2) a refund for an unissued certificate shall be made in the same manner as provided for other certificate refunds.]~~

SECTION 40. Section 548.505(a), Transportation Code, is amended to read as follows:

(a) The department by rule may impose an inspection fee for a vehicle inspected under Section 548.301(a) in addition to the fee provided by Section 548.501, 548.502, 548.503, or 548.504. A fee imposed under this subsection must be based on the costs of:

(1) ~~[producing certificates;~~

~~(2)~~ providing inspections; and  
(2) ~~(3)~~ administering the program.

SECTION 41. Section 548.508, Transportation Code, is amended to read as follows:

Sec. 548.508. DISPOSITION OF FEES. Except as provided by Sections 382.0622 and 382.202, Health and Safety Code, and Section 548.5055, each fee remitted to the comptroller ~~[collected by the department]~~ under this subchapter shall be deposited to the credit of the Texas mobility fund.

SECTION 42. Subchapter H, Chapter 548, Transportation Code, is amended by adding Section 548.509 to read as follows:

Sec. 548.509. COLLECTION OF FEE DURING REGISTRATION. The Texas Department of Motor Vehicles or a county assessor-collector that registers a motor vehicle that is subject to an inspection fee under this chapter shall collect at the time of registration of the motor vehicle the portion of the inspection fee that is required to be remitted to the state. The Texas Department of Motor Vehicles or the county assessor-collector shall remit the fee to the comptroller.

SECTION 43. Section 548.601(a), Transportation Code, is amended to read as follows:

(a) A person, including an inspector or an inspection station, commits an offense if the person:

(1) submits information to the department's inspection database or issues a vehicle inspection report ~~[an inspection certificate]~~ with knowledge that the submission or issuance is in violation of this chapter or rules adopted under this chapter;

(2) falsely or fraudulently represents to the owner or operator of a vehicle that equipment inspected or required to be inspected must be repaired, adjusted, or replaced for the vehicle to pass an inspection;

(3) misrepresents:

(A) material information in an application in violation of Section 548.402 or 548.403; or

(B) information filed with the department under this chapter or as required by department rule;

(4) submits information to the department's inspection database or issues a vehicle inspection report ~~[an inspection certificate]~~:

(A) without authorization to issue the report or submit the information ~~[certificate]~~; or

(B) without inspecting the vehicle;

(5) submits information to the department's inspection database indicating that a vehicle has passed the applicable inspections or issues a passing vehicle ~~[an] inspection report [certificate]~~ for a vehicle with knowledge that the vehicle has not been repaired, adjusted, or corrected after an inspection has shown a repair, adjustment, or correction to be necessary;

(6) knowingly submits information to the department's inspection database or issues a vehicle inspection report ~~[an inspection certificate]~~:

(A) for a vehicle without conducting an inspection of each item required to be inspected; or

(B) for a vehicle that is missing an item required to be inspected or that has an item required to be inspected that is not in compliance with state law or department rules;

(7) refuses to allow a vehicle's owner to have a qualified person of the owner's choice make a required repair, adjustment, or correction;

(8) charges for an inspection an amount greater than the authorized fee; or

(9) performs an act prohibited by or fails to perform an act required by this chapter or a rule adopted under this chapter.

SECTION 44. Sections 548.603(a), (b), and (c), Transportation Code, are amended to read as follows:

(a) A person commits an offense if the person:

(1) presents to an official of this state or a political subdivision of this state a vehicle inspection report ~~[displays or causes or permits to be displayed an inspection certificate]~~ or insurance document knowing that the report [certificate] or document is counterfeit, tampered with, altered, fictitious, issued for another vehicle, issued for a vehicle failing to meet all emissions inspection requirements, or issued in violation of:

(A) this chapter, rules adopted under this chapter, or other law of this state; or

(B) a law of another state, the United States, the United Mexican States, a state of the United Mexican States, Canada, or a province of Canada;

(2) ~~[transfers an inspection certificate from a windshield or location to another windshield or location;~~  
~~[(3)]~~ with intent to circumvent the emissions inspection requirements seeks an inspection of a vehicle at a station not certified to perform an emissions inspection if the person knows that the vehicle is required to be inspected under Section 548.301; or  
(3) ~~[(4)]~~ knowingly does not comply with an emissions inspection requirement for a vehicle~~[-or~~  
~~[(5) displays on a vehicle an inspection certificate that was obtained knowing that the vehicle does not meet all emissions inspection requirements for the vehicle].~~

(b) A person commits an offense if the person:

(1) makes or possesses, with the intent to sell, circulate, or pass, a counterfeit vehicle inspection report ~~[certificate]~~ or insurance document; or

(2) possesses any part of a stamp, dye, plate, negative, machine, or other device that is used or designated for use in making a counterfeit vehicle inspection report ~~[certificate]~~ or insurance document.

(c) The owner of a vehicle commits an offense if the owner knowingly allows the vehicle to be registered using a vehicle inspection report ~~[or operated while the vehicle displays an inspection certificate]~~ in violation of Subsection (a).

SECTION 45. Section 548.603(f), Transportation Code, as added by Chapter 851 (H.B. 1048), Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(f) Notwithstanding Subsection (c), an offense under Subsection (a)(1) that involves a fictitious vehicle inspection report ~~[certificate]~~ is a Class B misdemeanor.

SECTION 46. Section 548.6035(a), Transportation Code, is amended to read as follows:

(a) A person commits an offense if, in connection with a required emissions inspection of a motor vehicle, the person knowingly:

(1) submits information to the department's inspection database stating that a vehicle has passed the applicable inspections or issues a passing vehicle inspection report ~~[places or causes to be placed on a motor vehicle an inspection certificate]~~, if:

(A) the vehicle does not meet the emissions requirements established by the department; or

(B) the person has not inspected the vehicle;

(2) manipulates an emissions test result;

(3) uses or causes to be used emissions data from another motor vehicle as a substitute for the motor vehicle being inspected; or

(4) bypasses or circumvents a fuel cap test.

SECTION 47. Section 623.011(d), Transportation Code, is amended to read as follows:

(d) When the department issues a permit under this section, the department shall issue a sticker to be placed on the front windshield of the vehicle ~~[above the inspection certificate issued to the vehicle]~~. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

SECTION 48. Section 683.051, Transportation Code, is amended to read as follows:

Sec. 683.051. APPLICATION FOR AUTHORIZATION TO DISPOSE OF CERTAIN MOTOR VEHICLES. A person may apply to the department for authority:

(1) to sell, give away, or dispose of a motor vehicle to a motor vehicle demolisher if:

(A) the person owns the motor vehicle and the certificate of title to the vehicle is lost, destroyed, or faulty; or

(B) the vehicle is an abandoned motor vehicle and is:

(i) in the possession of the person; or

(ii) located on property owned by the person; or

(2) to dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if:

(A) the abandoned motor vehicle:

(i) is in the possession of the person;

(ii) is more than eight years old;

(iii) either has no motor or is otherwise totally inoperable or does not comply with all applicable air pollution emissions control related requirements included in ~~[-(aa) the vehicle inspection requirements under Chapter 548, as evidenced by a current inspection certificate affixed to the vehicle windshield; or (bb)]~~ the vehicle



emissions inspection and maintenance requirements contained in the Public Safety Commission's motor vehicle emissions inspection and maintenance program under Subchapter F, Chapter 548, or the state's air quality state implementation plan; and

(iv) was authorized to be towed by a law enforcement agency; and

(B) the law enforcement agency approves the application.

SECTION 49. Section 683.071, Transportation Code, as amended by Chapters 720 (H.B. 787) and 753 (H.B. 1376), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows:

Sec. 683.071. DEFINITION AND APPLICABILITY. (a) In this subchapter, "junked vehicle" means a vehicle that:

(1) is self-propelled; and

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

(b) For purposes of this subchapter, "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This subchapter applies only to:

(1) a motor vehicle that displays an expired license plate [~~or invalid motor vehicle inspection certificate~~] or does not display a license plate [~~or motor vehicle inspection certificate~~];

(2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or

(3) a watercraft that:

(A) does not have lawfully on board an unexpired certificate of number; and

(B) is not a watercraft described by Section 31.055, Parks and Wildlife Code.

SECTION 50. The following statutes are repealed:

(1) Section 548.053(c), Transportation Code;

(2) Section 548.255, Transportation Code;

(3) Section 548.257, Transportation Code;

(4) Section 548.602, Transportation Code;

(5) Section 548.603(e)(2), Transportation Code;

(6) Section 548.603(f), Transportation Code, as added by Chapter 1069 (S.B. 1856), Acts of the 75th Legislature, Regular Session, 1997; and

(7) Section 548.605, Transportation Code.

SECTION 51. Article 45.003, Code of Criminal Procedure, Section 103.0213, Government Code, and Sections 521.3465, 521.3466, 548.601, 548.603, and 548.6035, Transportation Code, as amended by this Act, and the repeal by this Act of Sections 548.602 and 548.605, Transportation Code, apply only to an offense committed on or after March 1, 2015. An offense committed before March 1, 2015, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before March 1, 2015, if any element of the offense occurred before that date.

SECTION 52. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 53. (a) Except as provided by Subsection (c) of this section, not later than March 1, 2014, the Texas Department of Motor Vehicles, the Department of Public Safety of the State of Texas, and the Texas Commission on Environmental Quality shall adopt rules necessary to implement the changes in law made by this Act.

(b) Not later than March 1, 2014, the Department of Public Safety shall create the database described by Section 548.251, Transportation Code, as amended by this Act, and require inspection stations to submit to the database the information required by Section 548.253, Transportation Code, as amended by this Act.



(c) Not later than January 1, 2014, the Department of Public Safety shall adopt rules relating to the proof required by Section 548.104(d)(3), Transportation Code, as added by this Act.

(d) Except as otherwise provided by Subsections (e) and (f) of this section, this Act takes effect March 1, 2015.

(e) Subsections (a), (b), and (c) of this section take effect September 1, 2013.

(f) The change in law made by Section 548.104(d)(3), Transportation Code, as added by this Act, takes effect September 1, 2014, and applies only to a vehicle inspected on or after that date.

**H.B. No. 2311**

AN ACT

relating to an animal identification program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 161.056(a), (c), and (d), Agriculture Code, are amended to read as follows:

(a) In order to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, the commission may develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program [~~consistent with the United States Department of Agriculture's National Animal Identification System~~].

(c) The commission may adopt rules to require the use of official identification [~~numbers assigned~~] as part of the animal identification program under Subsection (a) for animal disease control or [~~;~~] animal emergency management [~~, and other commission programs~~].

(d) The commission may by a two-thirds vote adopt rules to provide for an animal identification program more stringent than a program allowed by Subsection (a) only for control of a specific animal disease or for animal emergency management [~~establish a date by which all premises must be registered and may assess a registration fee on all entities that register for a premises identification number~~].

SECTION 2. Sections 161.056(b), (g), and (h), Agriculture Code, are repealed.

SECTION 3. (a) The changes in law made by this Act to Section 161.056, Agriculture Code, do not supersede rules of the Texas Animal Health Commission implementing an animal identification program adopted under Section 161.056, Agriculture Code, prior to the amendment of that section by this Act. Those rules are continued in effect until amended or repealed as if this Act had not been enacted, and the former law is continued in effect for that purpose.

(b) Rules adopted under Section 161.056, Agriculture Code, and amendments to existing rules adopted under Section 161.056, Agriculture Code, after the effective date of this Act must be made in conformity with the changes in law made by this Act.

SECTION 4. (a) The repeal by this Act of Section 161.056(g), Agriculture Code, does not apply to an offense committed under that subsection before the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is governed by Section 161.056(g), Agriculture Code, as it existed when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 2377**

AN ACT

relating to the use of legislatively produced audio or visual materials; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 306.005, Government Code, is amended to read as follows:

Sec. 306.005. USE OF LEGISLATIVELY PRODUCED AUDIO OR VISUAL MATERIALS IN POLITICAL ADVERTISING PROHIBITED. (a) A person may not use audio or visual [~~video~~] materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature in political advertising.

(b) After a formal hearing held as provided by Subchapter E, Chapter 571, the Texas Ethics Commission may

impose a civil penalty against a person who violates this section. The amount of the penalty may not exceed \$5,000 for each violation.

(c) Subsection (a) does not prohibit describing or quoting the verbal content of the audio or visual [~~video~~] materials in political advertising.

(d) Subsection (a) does not apply to a photograph of a current or former member of the legislature obtained from a house, committee, or agency of the legislature that is used in accordance with terms and conditions established by the entity from which the photograph was obtained.

(e) In this section:

(1) “Political [~~political~~] advertising” has the meaning assigned by Section 251.001, Election Code.

(2) “Visual materials” means photographic, video, or other material containing a still or moving recorded image or images.

SECTION 2. Chapter 306, Government Code, is amended by adding Section 306.0055 to read as follows:

Sec. 306.0055. LEGISLATIVELY PRODUCED PHOTOGRAPHS. A house, committee, or agency of the legislature may charge for a photograph produced by or under the direction of the entity the fair market value of the photograph.

SECTION 3. Section 306.006, Government Code, is amended to read as follows:

Sec. 306.006. COMMERCIAL USE OF LEGISLATIVELY PRODUCED AUDIO OR VISUAL MATERIALS.

(a) A person may not use audio or visual [~~video~~] materials produced by or under the direction of the legislature or of a house, committee, or agency of the legislature for a commercial purpose unless the legislative entity that produced the audio or visual [~~video~~] materials or under whose direction the audio or visual [~~video~~] materials were produced gives its permission for the person’s commercial use and:

(1) the person uses the audio or visual [~~video~~] materials only for educational or public affairs programming, including news programming, that does not also constitute a use prohibited under Section 306.005; or

(2) the person transmits [~~to paid subscribers~~] an unedited feed of the audio or visual materials:

(A) to paid subscribers; or

(B) on an Internet website that is accessible to the public.

(b) A person who violates Subsection (a) commits an offense. An offense under this subsection is a Class C misdemeanor.

(c) The legislative entity that produced the audio or visual [~~video~~] materials or under whose direction the audio or visual [~~video~~] materials were produced shall give its permission to a person to use the materials for a commercial purpose described by Subsection (a)(1) if the person or the person’s representative submits to the legislative entity a signed, written request for the use that:

(1) states the purpose for which the audio or visual [~~video~~] materials will be used and the stated purpose is allowed under Subsection (a)(1); and

(2) contains an agreement by the person that the audio or visual materials will not be used for a commercial purpose other than the stated purpose.

(d) Subsection (a)(2) does not apply to visual materials consisting of photographs or other still images. A [~~The~~] legislative entity is not required to give its permission to any person to use [~~the~~] materials for a purpose described by Subsection (a)(2) and may limit the number of persons to whom it gives its permission to use [~~the~~] materials for a purpose described by Subsection (a)(2).

(e) Subsection (a) and an agreement under Subsection (c)(2) do not prohibit compiling, describing, quoting from, analyzing, or researching the verbal content of the audio or visual materials for a commercial purpose.

(f) In addition to the criminal penalty that may be imposed under Subsection (b), the attorney general shall enforce this section at the request of the legislative entity by bringing a civil action to enjoin a violation of Subsection (a) or of an agreement under Subsection (c)(2).

(g) In this section:

(1) “Commercial [~~commercial~~] purpose” means a purpose that is intended to result in a profit or other tangible benefit.

(2) “Visual materials” has the meaning assigned by Section 306.005.

SECTION 4. The change in law made by this Act applies only to an offense or other violation of the law

amended by this Act committed on or after the effective date of this Act. An offense or other violation of that law committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense or other violation was committed before the effective date of this Act if any element of the offense or violation was committed before that date.

SECTION 5. This Act takes effect September 1, 2013.

**H.B. No. 2485**

AN ACT

relating to Air Medal and Air Medal with Valor specialty license plates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 504.315, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The department shall issue specialty license plates for recipients of the Air Medal and Air Medal with Valor. License plates issued under this subsection must include the Air Medal emblem and must include the words "Air Medal" at the bottom of each plate. License plates issued under this subsection to recipients of the Air Medal with Valor that are not personalized must also include the letter "V" as a prefix or suffix to the numerals on each plate. Section 504.702 does not apply to license plates authorized by this subsection.

SECTION 2. Section 681.008(b), Transportation Code, is amended to read as follows:

(b) A vehicle on which license plates described by Subsection (a)(2) or issued under Section 504.202, 504.315, or ~~[Section 504.315(a), (c), (d), (e), (f), (g), or (h), or Section]~~ 504.316 are displayed is exempt from the payment of a parking fee collected through a parking meter charged by a governmental authority other than a branch of the federal government, when being operated by or for the transportation of:

- (1) the person who registered the vehicle under Section 504.202(a), 504.315, or [Section 504.315(a), (c), (d), (e), (f), (g), or (h), or Section] 504.316;
- (2) a person described in Section 504.202(b) if the vehicle is registered under that subsection; or
- (3) the owner or operator of a vehicle displaying license plates described by Subsection (a)(2).

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 2539**

AN ACT

relating to requiring computer technicians to report images of child pornography; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 109 to read as follows:

CHAPTER 109. COMPUTER TECHNICIANS REQUIRED TO REPORT CHILD PORNOGRAPHY

Sec. 109.001. DEFINITIONS. In this chapter:

- (1) "Child pornography" means an image of a child engaging in sexual conduct or sexual performance.
- (2) "Commercial mobile service provider" has the meaning assigned by Section 64.201, Utilities Code.
- (3) "Computer technician" means an individual who in the course and scope of employment or business installs, repairs, or otherwise services a computer for a fee.
- (4) "Information service provider" includes an Internet service provider and hosting service provider.
- (5) "Sexual conduct" and "sexual performance" have the meanings assigned by Section 43.25, Penal Code.
- (6) "Telecommunications provider" has the meaning assigned by Section 51.002, Utilities Code.

Sec. 109.002. REPORTING OF IMAGES OF CHILD PORNOGRAPHY. (a) A computer technician who, in the course and scope of employment or business, views an image on a computer that is or appears to be child pornography shall immediately report the discovery of the image to a local or state law enforcement agency or the Cyber Tipline at the National Center for Missing and Exploited Children. The report must include the name and address of the owner or person claiming a right to possession of the computer, if known, and as permitted by federal law.

(b) Except in a case of wilful or wanton misconduct, a computer technician may not be held liable in a civil

action for reporting or failing to report the discovery of an image under Subsection (a).

(c) A telecommunications provider, commercial mobile service provider, or information service provider may not be held liable under this chapter for the failure to report child pornography that is transmitted or stored by a user of the service.

Sec. 109.003. CRIMINAL PENALTY. (a) A person who intentionally fails to report an image in violation of this chapter commits an offense. An offense under this subsection is a Class B misdemeanor.

(b) It is a defense to prosecution under this section that the actor did not report the discovery of an image of child pornography because the child in the image appeared to be at least 18 years of age.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 2620**

AN ACT

relating to the creation of a task force on domestic violence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 32, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. TASK FORCE ON DOMESTIC VIOLENCE

Sec. 32.061. DEFINITION. In this subchapter, "task force" means the task force on domestic violence.

Sec. 32.062. ESTABLISHMENT; PRESIDING OFFICER. (a) The task force is composed of 25 members appointed by the executive commissioner of the Health and Human Services Commission as follows:

(1) four representatives of family violence centers, as defined by Section 51.002, Human Resources Code, from different geographic regions in this state, including both rural and urban areas;

(2) one representative of a statewide family violence advocacy organization;

(3) one representative of a statewide association of obstetricians and gynecologists;

(4) two representatives of the family and community health programs in the Department of State Health Services;

(5) one representative of a statewide sexual assault advocacy organization;

(6) one representative of the Health and Human Services Commission Texas Home Visiting Program;

(7) one representative of a statewide association of midwifery;

(8) one representative of a statewide family physician's association;

(9) one representative of a statewide nursing association;

(10) one representative of a statewide hospital association;

(11) one representative of a statewide pediatric medical association;

(12) one representative of a statewide medical association;

(13) one representative of The University of Texas School of Social Work Institute on Domestic Violence and Sexual Assault;

(14) one representative of The University of Texas School of Law Domestic Violence Clinic;

(15) one representative of the governor's EMS and Trauma Advisory Council;

(16) one representative of a Department of Family and Protective Services prevention and early intervention program;

(17) one representative of a statewide osteopathic medical association;

(18) one representative of a statewide association of community health centers;

(19) one representative of the office of the attorney general;

(20) one representative from a medical school or a teaching hospital in the state who is either an attending physician of the hospital or a faculty member of the medical school; and

(21) one representative of the Health and Human Services Commission's Family Violence Program.

(b) The executive commissioner of the Health and Human Services Commission shall appoint a task force member to serve as presiding officer of the task force.

Sec. 32.063. DUTIES OF TASK FORCE. The task force shall meet at the call of the presiding officer to:

(1) examine the impact of domestic violence on maternal and infant mortality, the health of mothers, and the health and development of fetuses, infants, and children;



- (2) identify the health care services available to children age two and younger and mothers and explore opportunities for improving the ability of those services to address domestic violence;
- (3) identify methods to effectively include domestic violence information and support in educational standards for educators and protocols for health care providers; and
- (4) investigate and make recommendations relating to the coordination of health care services for children age two and younger and pregnant and postpartum women who are victims of domestic violence, including recommendations for improving early screening and detection and public awareness efforts.

Sec. 32.064. REPORT. Not later than September 1, 2015, the task force shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, the presiding officers of the standing committees of the legislature having primary jurisdiction over health and human services, the executive commissioner of the Health and Human Services Commission, and the commissioner of state health services containing:

- (1) the findings and legislative, policy, and research recommendations of the task force; and
- (2) a description of the activities of the task force.

Sec. 32.065. EXPIRATION. The task force is abolished and this subchapter expires January 1, 2016.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 2649**

AN ACT

relating to the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.062, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.062. PENALTY. (a) Except as provided by Subsection (b), a [A] person who violates any provision of this subchapter or the terms of a permit issued under this subchapter commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

(b) A person commits an offense that is a Class C Parks and Wildlife Code misdemeanor if the person violates:

- (1) a rule relating to a reporting requirement for a permit issued under this subchapter; or
- (2) a term of a permit issued under this subchapter that relates to a reporting requirement.

SECTION 2. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 2679**

AN ACT

relating to permitting an alternative plea for a defendant detained in jail pending trial for a Class C misdemeanor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.023, Code of Criminal Procedure, is amended to read as follows:

Art. 45.023. DEFENDANT'S PLEA. (a) After the jury is impaneled, or after the defendant has waived trial by jury, the defendant may:

- (1) plead guilty or not guilty;
- (2) enter a plea of nolo contendere; or
- (3) enter the special plea of double jeopardy as described by Article 27.05.



(b) If a defendant is detained in jail before trial, the justice or judge may permit the defendant to enter any of the pleas described by Subsection (a).

(c) If a defendant who is detained in jail enters a plea of guilty or nolo contendere, the justice or judge may, after complying with Article 15.17 and advising the defendant of the defendant's right to trial by jury, as appropriate:

(1) accept the defendant's plea;

(2) assess a fine, determine costs, and accept payment of the fine and costs;

(3) give the defendant credit for time served;

(4) determine whether the defendant is indigent; or

(5) discharge the defendant.

(d) Notwithstanding Article 45.037, following a plea of guilty or nolo contendere entered under Subsection (b), a motion for new trial must be made not later than 10 days after the rendition of judgment and sentence, and not afterward. The justice or judge shall grant a motion for new trial made under this subsection.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 2690**

AN ACT

relating to the sale of a vehicle by an unlicensed seller; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 503, Transportation Code, is amended by adding Section 503.096 to read as follows:

Sec. 503.096. TOWING OF VEHICLES. (a) If a person is engaged in business as a dealer in violation of Section 503.021, a peace officer may cause a vehicle that is being offered for sale by the person to be towed from the location where the vehicle is being offered for sale and stored at a vehicle storage facility, as defined by Section 2308.002, Occupations Code.

(b) A peace officer may cause the vehicle to be towed under Subsection (a) only if:

(1) the peace officer has a probable cause that the vehicle is being offered for sale by a person engaged in business as a dealer in violation of Section 503.021;

(2) the peace officer has complied with the notice requirements under Subsection (c); and

(3) the notice under Subsection (c) was attached to the vehicle not less than two hours before the vehicle is caused to be towed.

(c) Before a vehicle may be towed under Subsection (a), a peace officer, an appropriate local government employee, or an investigator employed by the department must attach a conspicuous notice to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating:

(1) the make and model of the vehicle and the license plate number and vehicle identification number of the vehicle, if any;

(2) the date and time that the notice was affixed to the vehicle;

(3) that the vehicle is being offered for sale in violation of Section 503.021;

(4) that the vehicle and any property on or in the vehicle may be towed and stored at the expense of the owner of the vehicle not less than two hours after the notice is attached to the vehicle if the vehicle remains parked at the location; and

(5) the name, address, and telephone number of the vehicle storage facility where the vehicle will be towed.

(d) Once notice has been attached to a vehicle under Subsection (c), a peace officer may prevent the vehicle from being removed by a person unless the person provides evidence of ownership in the person's name or written authorization from the owner of the vehicle for the person to offer the vehicle for sale in a manner other than by consignment.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 2741**

AN ACT

relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles; authorizing a fee; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 3. Section 418.016, Government Code, is amended by adding Subsections (f), (g), and (h) to read as follows:

(f) The governor may suspend any of the following requirements in response to an emergency or disaster declaration of another jurisdiction if strict compliance with the requirement would prevent, hinder, or delay necessary action in assisting another state with coping with an emergency or disaster:

(1) a registration requirement in an agreement entered into under the International Registration Plan under Section 502.091, Transportation Code, to the extent authorized by federal law;

(2) a temporary registration permit requirement under Section 502.094, Transportation Code;

(3) a provision of Subtitle E, Title 7, Transportation Code, to the extent authorized by federal law;

(4) a motor carrier registration requirement under Chapter 643, Transportation Code;

(5) a registration requirement under Chapter 645, Transportation Code, to the extent authorized by federal law;  
or

(6) a fuel tax requirement under the International Fuel Tax Agreement described by 49 U.S.C. Section 31701 et seq., to the extent authorized by federal law.

(g) For the purposes of Subsection (f), “emergency or disaster declaration of another jurisdiction” means an emergency declaration, a major disaster declaration, a state of emergency declaration, a state of disaster declaration, or a similar declaration made by:

(1) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.); or

(2) the governor of another state.

(h) To the extent federal law requires this state to issue a special permit under 23 U.S.C. Section 127 or an executive order, a suspension issued under Subsection (f) is a special permit or an executive order.

SECTION 41. Section 501.021(a), Transportation Code, is amended to read as follows:

(a) A motor vehicle title issued by the department must include:

(1) the legal name and address of each purchaser and seller at the first sale or a subsequent sale;

(2) the make of the motor vehicle;

(3) the body type of the vehicle;

(4) the manufacturer’s permanent vehicle identification number of the vehicle or the vehicle’s motor number if the vehicle was manufactured before the date that stamping a permanent identification number on a motor vehicle was universally adopted;

(5) the serial number for the vehicle;

(6) the name and address of each lienholder and the date of each lien on the vehicle, listed in the chronological order in which the lien was recorded;

(7) a statement indicating rights of survivorship under Section 501.031;

(8) if the vehicle has an odometer, the odometer reading at the time of application for the title; and

(9) any other information required by the department.

SECTION 42. Sections 501.022(a) and (b), Transportation Code, are amended to read as follows:

(a) The owner of a motor vehicle registered in this state:

(1) except as provided by Section 501.029, shall apply for title to the vehicle; and

(2) may not operate or permit the operation of the vehicle on a public highway until the owner ~~[obtains]~~:

(A) applies for title and registration for the vehicle; or

(B) obtains a receipt evidencing title for registration purposes only under Section 501.029.

(b) A person may not operate a motor vehicle registered in this state on a public highway if the person knows or has reason to believe that the owner has not applied for ~~[obtained]~~ a title for the vehicle.

SECTION 43. Section 501.023(a), Transportation Code, is amended to read as follows:

(a) The owner of a motor vehicle must present identification and apply for a title as prescribed by the department, unless otherwise exempted by law. To obtain a title, the owner must apply:

(1) to the county assessor-collector in the county in which:

(A) the owner is domiciled; or

- (B) the motor vehicle is purchased or encumbered; ~~[or]~~
- (2) if the county in which the owner resides has been declared by the governor as a disaster area, to the county assessor-collector in one of the closest unaffected counties to a county that asks for assistance and:
- (A) continues to be declared by the governor as a disaster area because the county has been rendered inoperable by the disaster; and
- (B) is inoperable for a protracted period of time; or
- (3) if the county assessor-collector's office of the county in which the owner resides is closed for a protracted period of time as defined by the department, to the county assessor-collector of a county that borders the county in which the owner resides who agrees to accept the application.

SECTION 44. Section 501.0234(b), Transportation Code, is amended to read as follows:

- (b) This section does not apply to a motor vehicle:
- (1) that has been declared a total loss by an insurance company in the settlement or adjustment of a claim;
- (2) for which the title has been surrendered in exchange for:
- (A) a salvage vehicle title or salvage record of title issued under this chapter;
- (B) a nonrepairable vehicle title or nonrepairable vehicle record of title issued under this chapter or Subchapter D, Chapter 683; or
- (C) an ownership document issued by another state that is comparable to a document described by Paragraph (A) or (B);
- (3) with a gross weight in excess of 11,000 pounds; or
- (4) purchased by a commercial fleet buyer who:
- (A) is a ~~[full-service]~~ deputy authorized by rules adopted under Section 520.0071;
- (B) ~~[520.008 and who]~~ utilizes the dealer title application process developed to provide a method to submit title transactions to the county in which the commercial fleet buyer is a ~~[full-service]~~ deputy; and
- (C) has authority to accept an application for registration and application for title transfer that the county assessor-collector may accept.

SECTION 45. Section 501.024(d), Transportation Code, is amended to read as follows:

- (d) A title receipt with registration or permit authorizes the operation of the motor vehicle on a public highway in this state ~~[for 10 days or]~~ until the title is issued~~[-, whichever period is shorter].~~

SECTION 46. Sections 501.031(a) and (c), Transportation Code, are amended to read as follows:

- (a) The department shall include on each title an optional rights of survivorship agreement that:
- (1) provides that if the agreement is between two or more eligible persons, the motor vehicle will be owned [is held jointly] by the surviving owners when one or more of the owners die ~~[those persons with the interest of a person who dies to transfer to the surviving person or persons];~~ and
- (2) provides for the acknowledgment by signature, either electronically or by hand, of the persons.
- (c) Ownership of the vehicle may be transferred only:
- (1) by all the persons acting jointly, if all the persons are alive; ~~or~~ [and]
- (2) on the death of one of the persons, by the surviving person or persons by transferring ownership of the vehicle, in the manner otherwise required by law, with a copy of the death certificate of the deceased person.

SECTION 47. Section 501.032, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

- (a) On proper application, the department shall assign a vehicle identification number to a travel trailer, a trailer or semitrailer ~~[that has a gross vehicle weight that exceeds 4,000 pounds], a frame,~~ or an item of equipment, including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment ~~[on which]:~~
- (1) on which a vehicle identification number was not die-stamped by the manufacturer; ~~[or]~~
- (2) on which a vehicle identification number die-stamped by the manufacturer has been lost, removed, or obliterated; or
- (3) for which a vehicle identification number was never assigned.
- (b) The applicant shall die-stamp the assigned vehicle identification number at the place designated by the department on the travel trailer, trailer, semitrailer, frame, or equipment.

(d) Only the department may issue vehicle identification numbers.

SECTION 48. Section 501.033(a), Transportation Code, is amended to read as follows:

(a) A person determined by law enforcement or a court to be the owner of a motor vehicle, travel trailer, semitrailer, or trailer, a part of a motor vehicle, travel trailer, semitrailer, or trailer, a frame, or an item of equipment including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment may apply to the department for an assigned vehicle identification number that has been removed, altered, ~~[or]~~ obliterated, or has never been assigned.

SECTION 49. Subchapter B, Chapter 501, Transportation Code, is amended by adding Section 501.037 to read as follows:

Sec. 501.037. TITLE FOR TRAILERS. (a) Notwithstanding any other provision of this chapter, the department may issue a title for a trailer that has a gross vehicle weight of 4,000 pounds or less if all other requirements for issuance of a title are met.

(b) To obtain a title under this section, the owner of the trailer must:

(1) apply for the title in the manner required by Section 501.023; and

(2) pay the fee required by Section 501.138.

SECTION 50. The heading to Subchapter C, Chapter 501, Transportation Code, is amended to read as follows:  
SUBCHAPTER C. REFUSAL TO ISSUE, ~~[AND]~~ REVOCATION, ~~[OR]~~ SUSPENSION, OR ALTERATION  
OF CERTIFICATE

SECTION 51. Section 501.051(b), Transportation Code, is amended to read as follows:

(b) The department may rescind, cancel, or revoke an application for a title if a notarized or county-stamped affidavit is presented containing:

(1) a statement that the vehicle involved was a new motor vehicle in the process of a first sale;

(2) a statement that the dealer, the applicant, and any lienholder have canceled the sale;

(3) a statement that the vehicle:

(A) was never in the possession of the title applicant; or

(B) was in the possession of the title applicant; and

(4) the signatures of the dealer, the applicant, and any lienholder.

SECTION 52. Section 501.052(e), Transportation Code, is amended to read as follows:

(e) An applicant aggrieved by the determination under Subsection (d) may appeal only to the county or district court of the county of the applicant's residence. An applicant must file an appeal not later than the fifth day after the date of the assessor-collector's determination. The ~~[county court]~~ judge shall try the appeal in the manner of other civil cases. All rights and immunities granted in the trial of a civil case are available to the interested parties. If the department's action is not sustained, the department shall promptly issue a title for the vehicle.

SECTION 53. Subchapter C, Chapter 501, Transportation Code, is amended by adding Section 501.0521 to read as follows:

Sec. 501.0521. COURT ORDERED TITLE CHANGES. (a) A justice of the peace or municipal court judge may not issue an order related to a title except as provided by Chapter 47, Code of Criminal Procedure, or Section 27.031(a)(3), Government Code.

(b) A county or district court judge may not order the department to change the type of title for:

(1) a nonrepairable vehicle titled after September 1, 2003; or

(2) a vehicle for which the department has issued a certificate of authority under Section 683.054.

SECTION 54. Section 501.053(a), Transportation Code, is amended to read as follows:

(a) As an alternative to the procedure provided by Section 501.052, the person may obtain a title by filing [fite] a bond with the department if the vehicle is in the possession of the applicant and:

(1) there is no security interest on the vehicle;

(2) any lien on the vehicle is at least 10 years old; or

(3) the person provides a release of all liens with bond. [~~On the filing of the bond the person may obtain a title.~~]

SECTION 55. Section 501.076(c), Transportation Code, is amended to read as follows:

(c) The person named as the agent in the limited power of attorney must meet the following requirements:

(1) the person may be a person who has been deputized ~~[appointed by the commissioners court as a deputy]~~



to perform vehicle registration functions as authorized by rules adopted under Section 520.0071 [~~520.0091~~], a licensed vehicle auction company holding a wholesale general distinguishing number under Section 503.022, a person who has a permit similar to one of the foregoing that is issued by the state in which the owner is located, or another person authorized by law to execute title documents in the state in which the owner executes the documents; and

(2) the person may not be the transferee or an employee of the transferee. The person may not act as the agent of both the transferor and transferee in the transaction. For the purposes of this section, a person is not the agent of both the transferor and transferee in a transaction unless the person has the authority to sign the documents pertaining to the transfer of title on behalf of both the transferor and the transferee.

SECTION 56. Section 501.095(b), Transportation Code, is amended to read as follows:

(b) A person [~~An owner~~], other than a salvage vehicle dealer, a used automotive parts recycler, or an insurance company licensed to do business in this state, who acquired ownership of a nonrepairable or salvage motor vehicle that has not been issued a nonrepairable vehicle title, nonrepairable record of title, salvage vehicle title, salvage record of title, or a comparable ownership document issued by another state or jurisdiction shall, before selling the motor vehicle, surrender the properly assigned title for the motor vehicle to the department and apply to the department for the appropriate ownership document.

SECTION 57. Sections 501.100(a) and (d), Transportation Code, are amended to read as follows:

(a) The owner of a motor [~~A~~] vehicle for which a nonrepairable vehicle [~~certificate of~~] title issued prior to September 1, 2003, or for which a salvage vehicle title or salvage record of title has been issued may apply for [~~obtain~~] a title after the motor vehicle has been repaired, rebuilt, or reconstructed and, in addition to any other requirement of law, only if the application:

(1) describes each major component part used to repair the motor vehicle;

(2) states the name of each person from whom the parts used in assembling the vehicle were obtained; and

(3) shows the identification number required by federal law to be affixed to or inscribed on the part.

(d) In addition to the fee described by Subsection (b), the applicant shall pay a \$65 rebuilder fee. The applicant shall include the fee with the statement submitted under Section 502.156 for the vehicle.

SECTION 58. Section 501.138(b-2), Transportation Code, is amended to read as follows:

(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas Mobility Fund under Subsection (b-1). On or before the fifth workday of each month, the Texas Department of Transportation [~~department~~] shall remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money equal to the amount of the fees deposited by the comptroller to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month. The Texas Department of Transportation [~~department~~] shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149.

SECTION 59. Subchapter G, Chapter 501, Transportation Code, is amended by adding Section 501.139 to read as follows:

Sec. 501.139. ELECTRONIC FUNDS TRANSFER. A county assessor-collector that transfers money to the department under this chapter shall transfer the money electronically.

SECTION 60. Section 501.146, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A late fee imposed under this section may not exceed \$250.

SECTION 61. Section 501.173, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to other title fees, the board by rule may set a fee to be assessed for the issuance of a paper title to cover the cost of administering the electronic titling system.

SECTION 62. Section 502.001, Transportation Code, is amended by amending Subdivision (7) and adding Subdivision (39-a) to read as follows:

(7) "Commercial motor vehicle" means a [~~commercial~~] motor vehicle, other than a motorcycle, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail [~~as defined~~]



by Section 644.001].

(39-a) “Shipping weight” means the weight generally accepted as the empty weight of a vehicle.

SECTION 63. Sections 502.040(b) and (d), Transportation Code, are amended to read as follows:

(b) The application must be accompanied by personal identification as determined by department rule and made in a manner prescribed by the department:

(1) through the county assessor-collector of the county in which the owner resides; ~~or~~

(2) if the county in which the owner resides has been declared by the governor as a disaster area, through the county assessor-collector of a county that is one of the closest unaffected counties to a county that asks for assistance and:

(A) continues to be declared by the governor as a disaster area because the county has been rendered inoperable by the disaster; and

(B) is inoperable for a protracted period of time; or

(3) if the county assessor-collector’s office in which the owner resides is closed for a protracted period of time as defined by the department, to the county assessor-collector of a county that borders the county in which the owner resides who agrees to accept the application.

(d) A county assessor-collector, a deputy county assessor-collector, or a person acting on behalf of a county assessor-collector is not liable to any person for:

(1) refusing to register a ~~motor~~ vehicle because of the person’s failure to submit evidence of residency that complies with the department’s rules; or

(2) registering a ~~motor~~ vehicle under this section.

SECTION 64. The heading to Section 502.043, Transportation Code, is amended to read as follows:

Sec. 502.043. APPLICATION FOR REGISTRATION AND CERTAIN PERMITS.

SECTION 65. Section 502.043, Transportation Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (c-1) to read as follows:

(a) An application for vehicle registration or a permit described by Section 502.094 or 502.095 must:

(1) be made in a manner prescribed and include the information required by the department by rule; and

(2) contain a full description of the vehicle as required by department rule.

(b) The department shall deny the registration of or permitting under Section 502.094 or 502.095 of a commercial motor vehicle, truck-tractor, trailer, or semitrailer if the applicant:

(1) has a business operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration or whose privilege to operate has been suspended, including the applicant entity, a relative, family member, corporate officer, or shareholder;

(2) has a vehicle that has been prohibited from operating by the Federal Motor Carrier Safety Administration for safety-related reasons;

(3) is a carrier whose business is operated, managed, or otherwise controlled or affiliated with a person who is ineligible for registration, including the owner, a relative, a family member, a corporate officer, or a shareholder;

or

(4) fails to deliver to the county assessor-collector proof of the weight of the vehicle, the maximum load to be carried on the vehicle, and the gross weight for which the vehicle is to be registered.

(c) In lieu of filing an application during a year as provided by Subsection (a), the owner of a vehicle registered in any state for that year or the preceding year may present:

(1) the registration receipt and transfer receipt for the vehicle; or

(2) other evidence satisfactory to the county assessor-collector that the person owns the vehicle[- if any].

(c-1) A [The] county assessor-collector shall accept a [the] receipt or evidence provided under Subsection (c) as an application for renewal of the registration if the receipt or evidence indicates the applicant owns the vehicle.

This section allows issuance for registration purposes only but does not authorize the department to issue a title.

SECTION 66. The heading to Section 502.055, Transportation Code, is amended to read as follows:

Sec. 502.055. DETERMINATION OF WEIGHT AND SEATING CAPACITY.

SECTION 67. Section 502.055, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) For the purposes of this section, the seating capacity of a bus is:

(1) the manufacturer's rated seating capacity, excluding the operator's seat; or

(2) if the manufacturer has not rated the vehicle for seating capacity, a number computed by allowing one passenger for each 16 inches of seating on the bus, excluding the operator's seat.

(d) For registration purposes:

(1) the weight of a passenger car is the shipping weight of the car plus 100 pounds; and

(2) the weight of a municipal bus or private bus is calculated by adding the following and rounding to the next highest 100 pounds:

(A) the shipping weight of the bus; and

(B) the seating capacity multiplied by 150 pounds.

SECTION 68. Section 502.092(b), Transportation Code, is amended to read as follows:

(b) The department shall issue a receipt for a permit issued [distinguishing insignia for a vehicle issued a permit] under this section in a manner provided by the department. The permit receipt must contain the information required by this section and be carried in the vehicle for which it is issued at all times during which it is valid. [The insignia must be attached to the vehicle in lieu of regular license plates and must show the permit expiration date.] A permit issued under this section is valid until the earlier of:

(1) the date the vehicle's registration in the owner's home state or country expires; or

(2) the 30th day after the date the permit is issued.

SECTION 69. Sections 502.094(c) and (d), Transportation Code, are amended to read as follows:

(c) A person may obtain a permit under this section by:

(1) applying to the county assessor-collector or [;] the department[, or the department's wire service agent, if the department has a wire service agent];

(2) paying a fee of \$25 for a 72-hour permit or \$50 for a 144-hour permit in the manner prescribed by the department that may include a service charge for a credit card payment or escrow account;

(3) furnishing to the county assessor-collector or [;] the department[, or the department's wire service agent,] evidence of financial responsibility for the vehicle that complies with Sections 502.046(c) and 601.168(a); and  
(4) submitting a copy of the applicable federal declaration form required by the Federal Motor Carrier Safety Administration or its successor in connection with the importation of a motor vehicle or motor vehicle equipment subject to the federal motor vehicle safety, bumper, and theft prevention standards.

(d) A county assessor-collector shall report and send a fee collected under this section in the manner provided by Section 502.198. [Each week, a wire service agent shall send to the department a report of all permits issued by the agent during the previous week.] The board by rule shall prescribe the format and content of a report required by this subsection.

SECTION 70. Section 502.168, Transportation Code, is amended to read as follows:

Sec. 502.168. FEE: MOTOR BUS. The fee for a registration year for registration of a motor bus is the fee prescribed by Section 502.252 [502.161] or 502.253 [502.162], as applicable.

SECTION 71. Subchapter E, Chapter 502, Transportation Code, is amended by adding Section 502.199 to read as follows:

Sec. 502.199. ELECTRONIC FUNDS TRANSFER. A county assessor-collector that transfers money to the department under this chapter shall transfer the money electronically.

SECTION 72. Section 502.433(a), Transportation Code, is amended to read as follows:

(a) The registration fee for a commercial motor vehicle as a farm vehicle is 50 percent of the applicable fee under Section 502.252 or 502.253, as applicable, if the vehicle's owner will use the vehicle for commercial purposes only to transport:

(1) the person's own poultry, dairy, livestock, livestock products, timber in its natural state, or farm products to market or another place for sale or processing;

(2) laborers from their place of residence to the owner's farm or ranch; or

(3) without charge, materials, tools, equipment, or supplies from the place of purchase or storage to the owner's farm or ranch exclusively for the owner's use or for use on the farm or ranch.

SECTION 73. Section 502.473(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge brought under Subsection (a) if the defendant pays an administrative fee not to exceed \$10 and:

(1) remedies the defect before the defendant's first court appearance; or

(2) shows that the motor vehicle was issued a registration insignia by the department that was attached to the motor vehicle, establishing that the vehicle was registered for the period during which the offense was committed; and

[(2) pays an administrative fee not to exceed \$10].

SECTION 74. Subchapter K, Chapter 502, Transportation Code, is amended by adding Section 502.4755 to read as follows:

Sec. 502.4755. DECEPTIVELY SIMILAR INSIGNIA. (a) A person commits an offense if the person:

(1) manufactures, sells, or possesses a registration insignia deceptively similar to the registration insignia of the department; or

(2) makes a copy or likeness of an insignia deceptively similar to the registration insignia of the department with intent to sell the copy or likeness.

(b) For the purposes of this section, an insignia is deceptively similar to the registration insignia of the department if the insignia is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.

(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.

(d) It is an affirmative defense to a prosecution under this section that the insignia was produced pursuant to a licensing agreement with the department.

(e) An offense under this section is:

(1) a felony of the third degree if the person manufactures or sells a deceptively similar registration insignia; or

(2) a Class C misdemeanor if the person possesses a deceptively similar registration insignia, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subdivision.

SECTION 75. Section 502.491, Transportation Code, as redesignated from Section 502.451, Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to incorporate amendments to Section 502.451, Transportation Code, made by Chapters 432 (S.B. 1057) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amended to read as follows:

Sec. 502.491. TRANSFER OF VEHICLE REGISTRATION. (a) On the sale or transfer of a [motor] vehicle, the registration insignia issued for the [motor] vehicle shall be removed. The registration period remaining at the time of sale or transfer expires at the time of sale or transfer.

[(a-1) On the sale of a used motor vehicle by a dealer, the dealer shall issue to the buyer new registration documents for an entire registration year.]

(b) On a sale or transfer of a [motor] vehicle in which neither party holds a general distinguishing number issued under Chapter 503, the part of the registration period remaining at the time of the sale or transfer shall continue with the vehicle being sold or transferred and does not transfer with the license plates or registration validation insignia. To continue the remainder of the registration period, the purchaser or transferee must file the documents required under Section 501.145.

(c) On the sale or transfer of a [motor] vehicle to a dealer, as defined by Section 503.001, who holds a general distinguishing number issued under Chapter 503, the registration period remaining at the time of the sale or transfer expires at the time of the sale or transfer. On the sale of a used [motor] vehicle by a dealer, the dealer shall issue to the buyer new registration documents for an entire registration year.

(d) If the transferor has paid for more than one year of registration, the department may credit the transferor for any time remaining on the registration in annual increments.

SECTION 76. Sections 503.009(a), (c), and (d), Transportation Code, are amended to read as follows:

(a) The board [department's Motor Vehicle Board] may conduct hearings in contested cases brought under this chapter [and] as provided by this chapter and Chapter 2301, Occupations Code.

(c) A decision or final order issued under this section is final and may not be appealed, as a matter of right, to the board [~~commission~~].

(d) The board [~~department's Motor Vehicle Board~~] may adopt rules for the procedure, a hearing, or an enforcement proceeding for an action brought under this section.

SECTION 77. Section 504.202(e), Transportation Code, is amended to read as follows:

(e) Other than license plates issued under Subsection (h), license plates issued under this section must include:

(1) the letters "DV" [~~as a prefix or suffix to any numeral~~] on the plate if the plate is issued for a vehicle other than a motorcycle; and

(2) the words "Disabled Veteran" and "U.S. Armed Forces" at the bottom of each license plate.

SECTION 78. Section 504.306, Transportation Code, is amended to read as follows:

Sec. 504.306. MEMBERS AND FORMER MEMBERS OF [~~PERSONS RETIRED FROM SERVICE IN~~] MERCHANT MARINE OF THE UNITED STATES. The department shall issue specialty license plates for members and former members of [~~persons retired from service in~~] the merchant marine of the United States. The license plates must include the words "Merchant Marine."

SECTION 79. Section 504.610(a), Transportation Code, is amended to read as follows:

(a) The department may [~~shall~~] issue specialty license plates in recognition of the Texas Aerospace Commission. [~~including the words "Texas Aerospace Commission."~~] The department shall design the license plates in consultation with the Texas Aerospace Commission.

SECTION 80. Section 504.652(b), Transportation Code, is amended to read as follows:

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of an account in the general revenue fund. Money in the account may be used only by Texas A&M AgriLife [~~Cooperative~~] Extension for graduate student assistantships within the Texas Master Gardener program and to support Texas A&M AgriLife [~~Cooperative~~] Extension's activities related to the Texas Master Gardener program.

SECTION 81. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.663 to read as follows:

Sec. 504.663. BIG BROTHERS BIG SISTERS LICENSE PLATES. (a) The department shall issue specialty license plates in recognition of the mentoring efforts of Big Brothers Big Sisters of America organizations operating in this state. The department shall design the license plates in consultation with a representative from a Big Brothers Big Sisters of America organization operating in this state and the attorney general.

(b) After deduction of the department's administrative costs, the remainder of the fee for issuance of the license plates shall be deposited to the credit of the Specialty License Plates General Account in the general revenue fund. Money deposited to the credit of the Specialty License Plates General Account under this section may be used only by the attorney general to provide grants to benefit Big Brothers Big Sisters of America organizations operating in this state.

SECTION 82. Section 504.901, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) This section applies only to:

(1) a passenger vehicle with a gross weight of 6,000 pounds or less; and

(2) a light truck with a gross weight of 10,000 pounds or less.

SECTION 83. Section 504.945(d), Transportation Code, is amended to read as follows:

(d) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:

(1) remedies the defect before the defendant's first court appearance; [and]

(2) pays an administrative fee not to exceed \$10; and

(3) shows that the vehicle was issued a plate by the department that was attached to the vehicle, establishing that the vehicle was registered for the period during which the offense was committed.

SECTION 84. Subchapter L, Chapter 504, Transportation Code, is amended by adding Sections 504.946, 504.947, and 504.948 to read as follows:

Sec. 504.946. DECEPTIVELY SIMILAR LICENSE PLATE. (a) A person commits an offense if the person:

(1) manufactures, sells, or possesses a license plate deceptively similar to a license plate issued by the department; or



(2) makes a copy or likeness of a license plate deceptively similar to a license plate issued by the department with intent to sell the copy or likeness.

(b) For the purposes of this section, a license plate is deceptively similar to a license plate issued by the department if it is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.

(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of the district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.

(d) It is an affirmative defense to a prosecution under this section that the license plate was produced pursuant to a licensing agreement with the department.

(e) An offense under this section is:

(1) a felony of the third degree if the person manufactures or sells a deceptively similar license plate; or

(2) a Class C misdemeanor if the person possesses a deceptively similar license plate, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subdivision.

Sec. 504.947. LICENSE PLATE FLIPPER; OFFENSE. (a) In this section “license plate flipper” means a manual, electric, or mechanical device designed or adapted to be installed on a motor vehicle and:

(1) switch between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the operator’s vehicle; or

(2) hide a license plate from view by flipping the license plate so that the license plate number is not visible.

(b) A person commits an offense if the person with criminal negligence uses, purchases, possesses, manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. An offense under this subsection is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted of an offense under this subsection.

Sec. 504.948. GENERAL PENALTY. (a) A person commits an offense if the person violates a provision of this chapter and no other penalty is prescribed for the violation.

(b) An offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$5 or more than \$200.

SECTION 85. Section 520.001, Transportation Code, is amended to read as follows:

Sec. 520.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) “Board” means the board of the Texas Department of Motor Vehicles.

(2) “Department”[, “department”] means the Texas Department of Motor Vehicles.

SECTION 86. Section 520.003, Transportation Code, is amended to read as follows:

Sec. 520.003. RULES; [WAIVER OF] FEES; REFUNDS. (a) The department may adopt rules to administer this chapter, including rules that:

(1) waive the payment of fees if a dealer has gone out of business and the applicant can show that fees were paid to the dealer; and

(2) allow full and partial refunds for rejected titling and registration transactions.

(b) The department may collect from a person making a transaction with the department using the state electronic Internet portal project a fee set under Section 2054.2591, Government Code. All fees collected under this subsection shall be allocated to the department to provide for the department’s costs associated with administering Section 2054.2591, Government Code.

SECTION 87. Section 520.005, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Notwithstanding the requirements of Section 520.0071 [Sections 520.008 and 520.0091], the assessor-collector may license franchised and non-franchised motor vehicle dealers to title and register motor vehicles in accordance with rules adopted under Section 520.004. The county assessor-collector may pay a fee to a motor vehicle dealer independent of or as part of the portion of the fees that would be collected by the county for each title and registration receipt issued.

(d) Each county assessor-collector shall process a registration renewal through an online system designated by the department.



SECTION 88. Section 520.006(a-1), Transportation Code, as added by Chapters 1290 (H.B. 2017) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted and amended to read as follows: (a-1) A county assessor-collector collecting fees on behalf of a county that has been declared as a disaster area or that is closed for a protracted period of time as defined by the department for purposes of Section 501.023 or 502.040 may retain the commission for fees collected, but shall allocate the fees to the county declared as a disaster area or that is closed for a protracted period of time.

SECTION 89. Subchapter A, Chapter 520, Transportation Code, is amended by adding Section 520.0061 to read as follows:

Sec. 520.0061. CONTRACTS BETWEEN COUNTIES. (a) A county tax assessor-collector, with approval of the commissioners court of the county by order, may enter into an agreement with one or more counties to perform mail-in or online registration or titling duties.

(b) A contract entered into under Subsection (a) may be terminated by a county that is a party to the contract.

SECTION 90. Subchapter A, Chapter 520, Transportation Code, is amended by adding Section 520.0071 to read as follows:

Sec. 520.0071. DEPUTIES. (a) The board by rule shall prescribe:

(1) the classification types of deputies performing titling and registration duties;

(2) the duties and obligations of deputies;

(3) the type and amount of any bonds that may be required by a county assessor-collector for a deputy to perform titling and registration duties; and

(4) the fees that may be charged or retained by deputies.

(b) A county assessor-collector, with the approval of the commissioners court of the county, may deputize an individual or business entity to perform titling and registration services in accordance with rules adopted under Subsection (a).

SECTION 91. The heading to Section 520.0093, Transportation Code, is amended to read as follows:

Sec. 520.0093. LEASE OF [ADDITIONAL] COMPUTER EQUIPMENT.

SECTION 92. Section 520.0093, Transportation Code, is amended by amending Subsections (a), (c), and (e) and adding Subsection (b-1) to read as follows:

(a) The department may [~~This section applies only to the~~] lease [~~of~~] equipment and provide related services to a:

(1) county for the operation of the automated registration and titling system in addition to the equipment provided by the department at no cost to the county under a formula prescribed by the department; and

(2) deputy appointed under Section 520.0071.

(b-1) On the request of a deputy appointed under Section 520.0071, the department may enter into an agreement under which the department leases equipment to the deputy for the use of the deputy in operating the automated registration and titling system. The department may require the deputy to post a bond in an amount equal to the value of the equipment.

(c) A county may install equipment leased under this section at offices of the county or of an agent of the county. A deputy appointed under Section 520.0071 may install equipment leased under this section on the premises described in the agreement.

(e) Under the agreement, the department shall charge an amount not less than the amount of the cost to the department to provide the [~~additional~~] equipment and any related services under the lease. All money collected under the lease shall be deposited to the credit of the state highway fund.

SECTION 93. Section 520.016(c), Transportation Code, is amended to read as follows:

(c) This section does not apply to a violation of Section 520.006 or a rule adopted under Section 520.0071 [~~520.008, 520.009, 520.0091, or 520.0092~~].

SECTION 94. Subchapter D, Chapter 551, Transportation Code, is amended by adding Section 551.304 to read as follows:

Sec. 551.304. LIMITED OPERATION. (a) An operator may operate a neighborhood electric vehicle:

(1) in a master planned community;

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the neighborhood electric vehicle is usually parked and for transportation to or from a golf course.

(b) A person is not required to register a neighborhood electric vehicle operated in compliance with this section.

SECTION 95. Section 551.402, Transportation Code, is amended to read as follows:

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles [~~Transportation~~] may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The Texas Department of Motor Vehicles [~~department~~] may issue license plates for a golf cart only as authorized by Section 504.510.

SECTION 96. Section 601.052(a), Transportation Code, is amended to read as follows:

(a) Section 601.051 does not apply to:

(1) the operation of a motor vehicle that:

(A) is a former military vehicle or is at least 25 years old;

(B) is used only for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation; and

(C) for which the owner files with the department an affidavit, signed by the owner, stating that the vehicle is a collector's item and used only as described by Paragraph (B);

(2) the operation of a neighborhood electric vehicle or a golf cart that is operated only as authorized by Section 551.304 or 551.403; or

(3) a volunteer fire department for the operation of a motor vehicle the title of which is held in the name of a volunteer fire department.

SECTION 97. Section 621.001(4), Transportation Code, is amended to read as follows:

(4) "Director" means:

(A) the executive director of the department; or

(B) an employee of the department who is:

(i) a division or special office director or holds a rank higher than division or special office director; and

(ii) designated by the executive director [~~Texas Department of Motor Vehicles~~].

SECTION 98. Section 621.002(a), Transportation Code, is amended to read as follows:

(a) A copy of the registration receipt issued under Section 502.057 [~~502.178~~] for a commercial motor vehicle, truck-tractor, trailer, or semitrailer shall be:

(1) carried on the vehicle when the vehicle is on a public highway; and

(2) presented to an officer authorized to enforce this chapter on request of the officer.

SECTION 99. Section 621.301(b), Transportation Code, is amended to read as follows:

(b) The commissioners court may limit the maximum weights to be moved on or over a county road, bridge, or culvert by exercising its authority under this subsection in the same manner and under the same conditions provided by Section 621.102 for the Texas Department of Transportation [~~commission~~] to limit maximum weights on highways and roads to which that section applies.

SECTION 100. Subchapter D, Chapter 621, Transportation Code, is amended by adding Section 621.304 to read as follows:

Sec. 621.304. RESTRICTION ON LOCAL GOVERNMENT AUTHORITY TO REGULATE OVERWEIGHT VEHICLES AND LOADS ON STATE HIGHWAY SYSTEM. Except as expressly authorized by this subtitle, a county or municipality may not require a permit, bond, fee, or license for the movement of a vehicle or combination of vehicles or any load carried by the vehicle or vehicles on the state highway system in the county or municipality that exceeds the weight or size limits on the state highway system.

SECTION 101. Section 621.503, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A violation of this section is subject to administrative enforcement under Subchapter N, Chapter 623, except

that administrative enforcement may not be imposed on a person described by Subsection (a) if the person is an entity or is owned by the same entity that operated the loaded vehicle and has been assessed a criminal penalty under this subtitle for a violation associated with the load.

SECTION 102. Section 621.506, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), (b-3), and (i) to read as follows:

(a) A person commits an offense if the person:

(1) operates a vehicle or combination of vehicles in violation of Section 621.101, 622.012, 622.031, 622.041, 622.0435, 622.051, 622.061, 622.133, 622.953, or 623.162; or

(2) loads a vehicle or causes a vehicle to be loaded in violation of Section 621.503.

(b) Except as provided by Subsections (b-1), (b-2), and (b-3), an [An] offense under this section is a misdemeanor punishable:

(1) by a fine of not less than \$100 and not more than \$250 [~~\$150~~];

(2) on conviction of an offense involving a vehicle having a single axle weight or tandem axle weight that is heavier than the vehicle's allowable weight, by a fine according to the following schedule:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>more than 5,000</u>	<u>\$1,000 to \$2,500; or</u>

(3) on conviction of an offense involving a vehicle having a [~~single axle weight, tandem axle weight, or~~] gross weight that is [~~more than 5,000 but not more than 10,000 pounds~~] heavier than the vehicle's allowable weight, by a fine according to the following schedule:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>5,001-10,000</u>	<u>\$1,000 to \$2,500</u>
<u>10,001-20,000</u>	<u>\$2,500 to \$5,000</u>
<u>20,001-40,000</u>	<u>\$5,000 to \$7,000</u>
<u>more than 40,000</u>	<u>\$7,000 to \$10,000.</u>

(b-1) On conviction of a third offense punishable under Subsection (b)(2) or (3), before the first anniversary of the date of a previous conviction of an offense punishable under Subsection (b)(2) or (3), the defendant shall be punished [~~of not less than \$300 or more than \$500;~~

~~[(3) on conviction of an offense involving a vehicle having a single axle weight, tandem axle weight, or gross weight that is more than 10,000 pounds heavier than the vehicle's allowable weight, by a fine of not less than \$500 or more than \$1,000; or~~

~~[(4) on conviction before the first anniversary of the date of a previous conviction under this section,] by a fine in an amount not to exceed [~~that is~~] twice the maximum amount specified by Subsection (b)(2) [~~Subdivision (1), (2),] or (3).~~~~

(b-2) A defendant operating a vehicle or combination of vehicles at a weight for which a permit issued under this subtitle would authorize the operation, but who does not hold the permit, shall be punished by a fine in addition to the fine imposed under Subsection (b) of not less than \$500 or more than \$1,000, except that for a second or subsequent conviction under this section, the offense is punishable by an additional fine of not less than \$2,500 or more than \$5,000.

(b-3) A defendant operating a vehicle or combination of vehicles at a weight in excess of 84,000 pounds with a load that can reasonably be dismantled shall be punished by a fine in addition to the fine imposed under Subsection (b) of not less than \$500 or more than \$1,000, except that for a second or subsequent conviction

under this section, the offense is punishable by an additional fine of not less than \$2,500 or more than \$5,000.

(i) A fine may not be imposed under this section that exceeds the minimum dollar amount that may be imposed unless the vehicle's weight was determined by a portable or stationary scale furnished or approved by the Department of Public Safety.

SECTION 103. Subchapter G, Chapter 621, Transportation Code, is amended by adding Section 621.510 to read as follows:

Sec. 621.510. PERMIT VOID. A permit issued under this chapter is void on the failure of the owner or the owner's representative to comply with a rule of the board or with a condition placed on the permit by the department.

SECTION 104. Section 622.012(b), Transportation Code, is amended to read as follows:

(b) A truck may be operated at a weight that exceeds the maximum single axle or tandem axle weight limitation by not more than 10 percent if the gross weight is not heavier than 69,000 pounds and the department has issued a permit that authorizes the operation of the vehicle under Section 623.0171.

SECTION 105. Section 622.074, Transportation Code, is amended to read as follows:

Sec. 622.074. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to:

- (1) farm equipment used for a purpose other than construction;
- (2) special mobile equipment owned by a dealer or distributor;
- (3) a vehicle used to propel special mobile equipment that is registered as a farm vehicle under [~~as defined by~~] Section 502.433 [~~502.163~~]; or
- (4) equipment while being used by a commercial hauler to transport special mobile equipment under hire of a person who derives \$500 in gross receipts annually from a farming or ranching enterprise.

SECTION 106. Section 622.901, Transportation Code, is amended to read as follows:

Sec. 622.901. WIDTH EXCEPTIONS. The width limitation provided by Section 621.201 does not apply to:

- (1) highway building or maintenance machinery that is traveling:
  - (A) during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways; or
  - (B) for not more than 50 miles on a highway that is part of the national system of interstate and defense highways;
- (2) a vehicle traveling during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways or traveling for not more than 50 miles on a highway that is part of the national system of interstate and defense highways if the vehicle is:
  - (A) a farm tractor or implement of husbandry; or
  - (B) a vehicle on which a farm tractor or implement of husbandry, other than a tractor or implement being transported from one dealer to another, is being moved by the owner of the tractor or implement or by an agent or employee of the owner:
    - (i) to deliver the tractor or implement to a new owner;
    - (ii) to transport the tractor or implement to or from a mechanic for maintenance or repair; or
    - (iii) in the course of an agricultural operation;
- (3) machinery that is used solely for drilling water wells, including machinery that is a unit or a unit mounted on a conventional vehicle or chassis, and that is traveling:
  - (A) during daylight on a public highway other than a highway that is part of the national system of interstate and defense highways; or
  - (B) for not more than 50 miles on a highway that is part of the national system of interstate and defense highways;
- (4) a vehicle owned or operated by a public, private, or volunteer fire department;
- (5) a vehicle registered under Section 502.431 [~~502.164~~]; or
- (6) a recreational vehicle to which Section 622.903 applies.

SECTION 107. Section 623.011(b), Transportation Code, is amended to read as follows:

(b) To qualify for a permit under this section:

- (1) the vehicle must be registered under Chapter 502 for the maximum gross weight applicable to the vehicle

under Section 621.101, not to exceed 80,000 pounds;

(2) the security requirement of Section 623.012 must be satisfied; and

(3) a base permit fee of \$90, any additional fee required by Section 623.0111, and any additional fee set by the board [department] under Section 623.0112 must be paid.

SECTION 108. Sections 623.012(a) and (b), Transportation Code, are amended to read as follows:

(a) An applicant for a permit under Section 623.011, other than a permit under that section to operate a vehicle loaded with timber or pulp wood, wood chips, cotton, or agricultural products in their natural state, and an applicant for a permit under Section 623.321 shall file with the department:

(1) a blanket bond; or

(2) an irrevocable letter of credit issued by a financial institution the deposits of which are guaranteed by the Federal Deposit Insurance Corporation.

(b) The bond or letter of credit must:

(1) be in the amount of \$15,000 payable to the Texas Department of Transportation and the counties of this state;

(2) be conditioned that the applicant will pay the Texas Department of Transportation for any damage to a state highway, and a county for any damage to a road or bridge of the county, caused by the operation of the vehicle;

(A) for which the permit is issued at a heavier weight than the maximum weights authorized by Subchapter B of Chapter 621 or Section 621.301 or 623.321; or

(B) that is in violation of Section 623.323; and

(3) provide that the issuer is to notify the Texas Department of Transportation and the applicant in writing promptly after a payment is made by the issuer on the bond or letter of credit.

SECTION 109. Sections 623.014(c) and (d), Transportation Code, are amended to read as follows:

(c) The department shall issue the prorated credit if the person:

(1) pays the fee adopted by the board [department]; and

(2) provides the department with:

(A) the original permit; or

(B) if the original permit does not exist, written evidence in a form approved by the department that the vehicle has been destroyed or is permanently inoperable.

(d) The fee adopted by the board [department] under Subsection (c)(1) may not exceed the cost of issuing the credit.

SECTION 110. Subchapter B, Chapter 623, Transportation Code, is amended by adding Section 623.0171 to read as follows:

Sec. 623.0171. PERMIT FOR READY-MIXED CONCRETE TRUCKS. (a) In this section, "ready-mixed concrete truck" has the meaning assigned by Section 622.011.

(b) The department may issue a permit that authorizes the operation of a ready-mixed concrete truck with three axles.

(c) To qualify for a permit under this section, a base permit fee of \$1,000 must be paid, except as provided by Subsection (g).

(d) A permit issued under this section:

(1) is valid for one year, except as provided by Subsection (g); and

(2) must be carried in the vehicle for which it is issued.

(e) When the department issues a permit under this section, the department shall issue a sticker to be placed on the front windshield of the vehicle above the inspection certificate issued to the vehicle. The department shall design the form of the sticker to aid in the enforcement of weight limits for vehicles.

(f) The sticker must:

(1) indicate the expiration date of the permit; and

(2) be removed from the vehicle when:

(A) the permit for operation of the vehicle expires;

(B) a lease of the vehicle expires; or

(C) the vehicle is sold.



(g) The department may issue a permit under this section that is valid for a period of less than one year. The department shall prorate the applicable fee required by Subsection (c) for a permit issued under this subsection as necessary to reflect the term of the permit.

(h) Unless otherwise provided by state or federal law, a county or municipality may not require a permit, fee, or license for the operation of a ready-mixed concrete truck in addition to a permit, fee, or license required by state law.

(i) Section 622.015 does not apply to an owner of a ready-mixed concrete truck who holds a permit under this section for the truck.

(j) Unless otherwise provided by state or federal law, a ready-mixed concrete truck may operate on a state, county, or municipal road, including a load-zoned county road or a frontage road adjacent to a federal interstate highway, if the truck displays a sticker required by Subsection (e) and does not exceed the maximum gross weight authorized under Section 622.012.

(k) For the purposes of Subsection (l), the department by rule shall require an applicant to designate in the permit application the counties in which the applicant intends to operate.

(l) Of the fee collected under this section for a permit:

(1) 50 percent of the amount collected shall be deposited to the credit of the state highway fund; and

(2) the other 50 percent shall be divided among and distributed to the counties designated in permit applications under Subsection (k) according to department rule.

(m) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (l) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

SECTION 111. Section 623.019, Transportation Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:

(b) Except as provided by Subsections (c) and (d), an offense under Subsection (a) is a misdemeanor punishable by a fine of not less than \$100 or more than \$250 [~~\$150~~].

(c) An offense under Subsection (a) is a misdemeanor and, except as provided by Subsection (d), is punishable by a fine according to the following schedules if the offense involves a vehicle [~~of~~]:

(1) having a single axle weight or tandem axle weight that is heavier than the vehicle's allowable weight:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>more than 5,000</u>	<u>\$1,000 to \$2,500; or</u>

(2) [~~not less than \$300 or more than \$500 if the offense involves a vehicle~~] having a gross weight that is heavier than the vehicle's allowable gross weight:

<u>Pounds Overweight</u>	<u>Fine Range</u>
<u>less than 2,500</u>	<u>\$100 to \$500</u>
<u>2,500-5,000</u>	<u>\$500 to \$1,000</u>
<u>5,001-10,000</u>	<u>\$1,000 to \$2,500</u>
<u>10,001-20,000</u>	<u>\$2,500 to \$5,000</u>
<u>20,001-40,000</u>	<u>\$5,000 to \$7,000</u>
<u>more than 40,000</u>	<u>\$7,000 to \$10,000</u>

[~~5,000 but not heavier than 10,000 pounds over the vehicle's allowable gross weight; or~~

[~~(2) not less than \$500 or more than \$1,000 if the offense involves a vehicle having a gross weight that is at least 10,000 pounds heavier than the vehicle's allowable gross weight.~~]

(d) On conviction of a third offense under Subsection (a), before the first anniversary of the date of a previous conviction under that subsection [~~Subsection (a)~~], the defendant shall be punished [~~an offense is punishable~~] by a fine in an amount not to exceed [~~that is~~] twice the maximum amount specified by Subsection (c).

(h) A fine may not be imposed under this section that exceeds the minimum dollar amount that may be imposed unless the vehicle's weight was determined by a portable or stationary scale furnished or approved by the

Department of Public Safety.

SECTION 112. The heading to Section 623.0711, Transportation Code, is amended to read as follows:

Sec. 623.0711. PERMITS AUTHORIZED BY BOARD [~~COMMISSION~~].

SECTION 113. Sections 623.0711(a), (b), (c), (d), (f), (g), and (h), Transportation Code, are amended to read as follows:

(a) The board [~~commission~~] by rule may authorize the department to issue a permit to a motor carrier, as defined by Section 643.001, to transport multiple loads of the same commodity over a state highway if all of the loads are traveling between the same general locations.

(b) The board [~~commission~~] may not authorize the issuance of a permit that would allow a vehicle to:

(1) violate federal regulations on size and weight requirements; or

(2) transport equipment that could reasonably be dismantled for transportation as separate loads.

(c) The board [~~commission~~] rules must require that, before the department issues a permit under this section, the department:

(1) determine that the state will benefit from the consolidated permitting process; and

(2) complete a route and engineering study that considers:

(A) the estimated number of loads to be transported by the motor carrier under the permit;

(B) the size and weight of the commodity;

(C) available routes that can accommodate the size and weight of the vehicle and load to be transported;

(D) the potential roadway damage caused by repeated use of the road by the permitted vehicle;

(E) any disruption caused by the movement of the permitted vehicle; and

(F) the safety of the traveling public.

(d) The board [~~commission~~] rules may authorize the department to impose on the motor carrier any condition regarding routing, time of travel, axle weight, and escort vehicles necessary to ensure safe operation and minimal damage to the roadway.

(f) The board [~~commission~~] shall require the motor carrier to file a bond in an amount set by the board [~~commission~~], payable to the Texas Department of Transportation [~~department~~] and conditioned on the motor carrier paying to the Texas Department of Transportation [~~department~~] any damage that is sustained to a state highway because of the operation of a vehicle under a permit issued under this section.

(g) An application for a permit under this section must be accompanied by the permit fee established by the board [~~commission~~] for the permit, not to exceed \$9,000. The department shall send each fee to the comptroller for deposit to the credit of the state highway fund.

(h) In addition to the fee established under Subsection (g), the board [~~commission~~] rules must authorize the department to collect a consolidated permit payment for a permit under this section in an amount not to exceed 15 percent of the fee established under Subsection (g), to be deposited to the credit of the state highway fund.

SECTION 114. Section 623.078(b), Transportation Code, is amended to read as follows:

(b) The department [~~board~~] shall send each fee collected under Subsection (a) to the comptroller for deposit to the credit of the state highway fund.

SECTION 115. Section 623.144, Transportation Code, is amended to read as follows:

Sec. 623.144. REGISTRATION OF VEHICLE. (a) A person may not operate a vehicle permitted [A permit] under this subchapter on a public highway unless [may be issued only if] the vehicle is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has specialty [the-  
distinguishing] license plates as provided by Section 502.146 [504.504] if applicable to the vehicle.

(b) The department may not issue specialty license plates to a vehicle described by Section 502.146(b)(3) unless the applicant complies with the requirements of that subsection.

SECTION 116. Section 623.149(a), Transportation Code, is amended to read as follows:

(a) The department may establish criteria to determine whether oil well servicing, oil well clean out, or oil well drilling machinery or equipment is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.146 [~~504.504~~].

SECTION 117. Section 623.194, Transportation Code, is amended to read as follows:

Sec. 623.194. REGISTRATION OF VEHICLE. A permit under this subchapter may be issued only if the

vehicle to be moved is registered under Chapter 502 for the maximum gross weight applicable to the vehicle under Section 621.101 or has the distinguishing license plates as provided by Section 502.146 [~~504.504~~] if applicable to the vehicle.

SECTION 118. Section 623.199(a), Transportation Code, is amended to read as follows:

(a) The department may establish criteria to determine whether an unladen lift equipment motor vehicle that because of its design for use as lift equipment exceeds the maximum weight and width limitations prescribed by statute is subject to registration under Chapter 502 or eligible for the distinguishing license plate provided by Section 502.146 [~~504.504~~].

SECTION 119. Chapter 623, Transportation Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. VEHICLES TRANSPORTING TIMBER

Sec. 623.321. PERMIT. (a) The department may issue a permit under this subchapter, as an alternative to a permit issued under Section 623.011, authorizing a person to operate a vehicle or combination of vehicles that is being used to transport unrefined timber, wood chips, or woody biomass in a county identified as a timber producing county in the most recent edition of the Texas A&M Forest Service's Harvest Trends Report as of May 15, 2013, at the weight limits prescribed by Subsection (b).

(b) A person may operate over a road or highway a vehicle or combination of vehicles issued a permit under this section at a gross weight that is not heavier than 84,000 pounds, if the gross load carried on any tandem axle of the vehicle or combination of vehicles does not exceed 44,000 pounds.

(c) Section 621.508 does not apply to a vehicle or combination of vehicles operated under this section.

(d) The department shall annually update the number of timber producing counties described by Subsection (a) based on the most recent edition of the Texas A&M Forest Service's Harvest Trends Report.

Sec. 623.322. QUALIFICATION; REQUIREMENTS. (a) To qualify for a permit under this subchapter for a vehicle or combination of vehicles, a person must:

(1) pay a permit fee of \$1,500;

(2) designate in the permit application the timber producing counties described by Section 623.321(a) in which the vehicle or combination of vehicles will be operated; and

(3) satisfy the security requirement of Section 623.012.

(b) A permit issued under this subchapter:

(1) is valid for one year; and

(2) must be carried in the vehicle for which it is issued.

Sec. 623.323. NOTIFICATION. (a) For purposes of this section, "financially responsible party" means the owner of the vehicle or combination of vehicles, the party operating the vehicle or combination of vehicles, or a person that hires, leases, rents, or subcontracts the vehicle or combination of vehicles for use on a road maintained by a county or a state highway.

(b) Before a vehicle or combination of vehicles for which a permit is issued under this subchapter may be operated on a road maintained by a county or a state highway, the financially responsible party shall execute a notification document and agree to reimburse the county or the state, as applicable, for damage to a road or highway sustained as a consequence of the transportation authorized by the permit. At a minimum, the notification document must include:

(1) the name and address of the financially responsible party;

(2) a description of each permit issued for the vehicle or combination of vehicles;

(3) a description of the method of compliance by the financially responsible party with Sections 601.051 and 623.012;

(4) the address or location of the geographic area in which the financially responsible party wishes to operate a vehicle or combination of vehicles and a designation of the specific route of travel anticipated by the financially responsible party, including the name or number of each road maintained by a county or state highway;

(5) a calendar or schedule of duration that includes the days and hours of operation during which the financially responsible party reasonably anticipates using the county road or state highway identified in Subdivision (4);

and

(6) a list of each vehicle or combination of vehicles by license plate number or other registration information,

and a description of the means by which financial responsibility is established for each vehicle or combination of vehicles if each vehicle or combination of vehicles is not covered by a single insurance policy, surety bond, deposit, or other means of financial assurance.

(c) A financially responsible party shall electronically file the notification document described by Subsection (b) with the department under rules adopted by the department not later than the second business day before the first business day listed by the financially responsible party under Subsection (b)(5). The department shall immediately send an electronic copy of the notification document to each county identified in the notification document and the Texas Department of Transportation and an electronic receipt for the notification document to the financially responsible party. Not later than the first business day listed by the financially responsible party under Subsection (b)(5), a county or the Texas Department of Transportation may inspect a road or highway identified in the notification document. If an inspection is conducted under this subsection, a county or the Texas Department of Transportation shall:

(1) document the condition of the roads or highways and take photographs of the roads or highways as necessary to establish a baseline for any subsequent assessment of damage sustained by the financially responsible party's use of the roads or highways; and

(2) provide a copy of the documentation to the financially responsible party.

(d) If an inspection has been conducted under Subsection (c), a county or the Texas Department of Transportation, as applicable, shall, not later than the fifth business day after the expiration of the calendar or schedule of duration described by Subsection (b)(5):

(1) conduct an inspection described by Subsection (c)(1) to determine any damage sustained by the financially responsible party's use of the roads or highways; and

(2) provide a copy of the inspection documentation to the financially responsible party.

(e) The state or a county required to be notified under this section may assert a claim against any security posted under Section 623.012 or insurance filed under Section 643.103 for damage to a road or highway sustained as a consequence of the transportation authorized by the permit.

(f) This section does not apply to a vehicle or combination of vehicles that are being used to transport unrefined timber, wood chips, or woody biomass from:

(1) a storage yard to the place of first processing; or

(2) outside this state to a place of first processing in this state.

Sec. 623.324. DISPOSITION OF FEE. (a) Of the fee collected under Section 623.322 for a permit:

(1) 50 percent of the amount collected shall be deposited to the credit of the state highway fund; and

(2) the other 50 percent shall be divided equally among all counties designated in the permit application under Section 623.322(a)(2).

(b) At least once each fiscal year, the comptroller shall send the amount due each county under Subsection (a) to the county treasurer or officer performing the function of that office for deposit to the credit of the county road and bridge fund.

Sec. 623.325. INTERSTATE AND DEFENSE HIGHWAYS. (a) This subchapter does not authorize the operation on the national system of interstate and defense highways in this state of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127.

(b) If the United States authorizes the operation on the national system of interstate and defense highways of a vehicle of a size or weight greater than those permitted under 23 U.S.C. Section 127 on September 1, 2013, the new limit automatically takes effect on the national system of interstate and defense highways in this state.

SECTION 120. Chapter 623, Transportation Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. PERMIT TO DELIVER RELIEF SUPPLIES DURING NATIONAL EMERGENCY

Sec. 623.341. PERMIT TO DELIVER RELIEF SUPPLIES. (a) Notwithstanding any other law, the department may issue a special permit during a major disaster as declared by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) to an overweight or oversize vehicle or load that:

(1) can easily be dismantled or divided; and

(2) will be used only to deliver relief supplies.



(b) A permit issued under this section expires not later than the 120th day after the date of the major disaster declaration.

Sec. 623.342. RULES. The board may adopt rules necessary to implement this subchapter, including rules that establish the requirements for obtaining a permit.

Sec. 623.343. PERMIT CONDITIONS. The department may impose conditions on a permit holder to ensure the safe operation of a permitted vehicle and minimize damage to roadways, including requirements related to vehicle routing, hours of operation, weight limits, and lighting and requirements for escort vehicles.

SECTION 121. Section 642.002(a), Transportation Code, is amended to read as follows:

(a) A person commits an offense if:

(1) the person operates on a public street, road, or highway:

(A) a commercial motor vehicle that has three or more axles;

(B) a truck-tractor;

(C) a road-tractor; or

(D) a tow truck; and

(2) the vehicle does not have on each side of the power unit identifying markings that comply with the identifying marking requirements specified by 49 C.F.R. Section 390.21 or that:

(A) show the name of the owner or operator of the vehicle;

(B) have clearly legible letters and numbers of a height of at least two inches; and

(C) show the motor carrier registration number in clearly legible letters and numbers, if the vehicle is required to be registered under this chapter or Chapter 643.

SECTION 122. The heading to Section 643.054, Transportation Code, is amended to read as follows:

Sec. 643.054. DEPARTMENT APPROVAL AND DENIAL; ISSUANCE OF CERTIFICATE.

SECTION 123. Section 643.054, Transportation Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The department shall register a motor carrier under this subchapter if the carrier complies with Sections 643.052 and 643.053.

(a-1) The department may deny a registration if the applicant has had a registration revoked under Section 643.252.

(a-2) The department may deny a registration if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person, including the applicant, a relative, family member, corporate officer, or shareholder, whom the Department of Public Safety has determined has:

(1) an unsatisfactory safety rating under 49 C.F.R. Part 385; or

(2) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C.

(a-3) The department may deny a registration if the applicant is a motor carrier whose business is operated, managed, or otherwise controlled by or affiliated with a person, including an owner, relative, family member, corporate officer, or shareholder, whom the Department of Public Safety has determined has:

(1) an unsatisfactory safety rating under 49 C.F.R. Part 385; or

(2) multiple violations of Chapter 644, a rule adopted under that chapter, or Subtitle C.

SECTION 124. Section 643.064, Transportation Code, is amended to read as follows:

Sec. 643.064. [ISSUANCE OF] UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBERS. (a)

The department by rule shall provide for the issuance to a motor carrier of an identification number authorized by the Federal Motor Carrier Safety Administration. A rule must conform to rules of the Federal Motor Carrier Safety Administration or its successor.

(b) A motor carrier required to register under this subchapter shall maintain an authorized identification number issued to the motor carrier by the Federal Motor Carrier Safety Administration, its successor, or another person authorized to issue the number.

SECTION 125. Subchapter F, Chapter 643, Transportation Code, is amended by adding Section 643.2526 to read as follows:

Sec. 643.2526. APPEAL OF DENIAL OF REGISTRATION, RENEWAL, OR REINSTATEMENT. (a)

Notwithstanding any other law, a denial of an application for registration, renewal of registration, or



reinstatement of registration under this chapter is not required to be preceded by notice and an opportunity for hearing.

(b) An applicant may appeal a denial under this chapter by filing an appeal with the department not later than the 26th day after the date the department issues notice of the denial to the applicant.

(c) If the appeal of the denial is successful and the application is found to be compliant with this chapter, the application shall be considered to have been properly filed on the date the finding is entered.

SECTION 126. Section 648.051(b), Transportation Code, is amended to read as follows:

(b) This subchapter supersedes that portion of any paired city, paired state, or similar understanding governing foreign commercial motor vehicles or motor carriers entered into under Section 502.091 [~~502.054~~] or any other law.

SECTION 127. Section 648.102(a), Transportation Code, is amended to read as follows:

(a) The Texas Department of Motor Vehicles [~~Transportation~~] shall adopt rules that conform with 49 C.F.R. Part 387 requiring motor carriers operating foreign commercial motor vehicles in this state to maintain financial responsibility.

SECTION 128. Section 681.003(b), Transportation Code, is amended to read as follows:

(b) An application for a disabled parking placard must be:

(1) on a form furnished by the department;

(2) submitted to the county assessor-collector of the county in which the person with the disability resides or in which the applicant is seeking medical treatment if the applicant is not a resident of this state; and

(3) accompanied by a fee of \$5 if the application is for a temporary placard.

SECTION 129. Section 681.0031, Transportation Code, is amended to read as follows:

Sec. 681.0031. APPLICANT'S [~~DRIVER'S LICENSE OR PERSONAL~~] IDENTIFICATION [~~CARD~~-NUMBER]. (a) The applicant shall include on the application the applicant's:

(1) driver's license number or the number of a personal identification card issued to the applicant under Chapter 521;

(2) military identification number; or

(3) driver's license number of a driver's license issued by another state or country if the applicant is not a resident of this state and is seeking medical treatment in this state. [The department shall provide for this information in prescribing the application form.]

(b) The county assessor-collector shall record on any disabled parking placard issued to the applicant the following information in the following order:

(1) the county number assigned by the comptroller to the county issuing the placard;

(2) the first four digits of the applicant's driver's license number, personal identification card number, or military identification number; and

(3) the applicant's initials.

SECTION 130. Section 681.004(c), Transportation Code, is amended to read as follows:

(c) A disabled parking placard issued to a person with a permanent disability:

(1) is valid for:

(A) [a period of] four years for a resident of this state; and

(B) six months for a person who is not a resident of this state; and

(2) shall be replaced or renewed on request of the person to whom the initial card was issued without presentation of evidence of eligibility.

SECTION 131. Section 681.012, Transportation Code, is amended to read as follows:

Sec. 681.012. SEIZURE AND REVOCATION OF PLACARD. (a) A law enforcement officer who believes that an offense under Section 681.011(a) or (d) has occurred in the officer's presence shall seize any disabled parking placard involved in the offense. Not later than 48 hours after the seizure, the officer shall determine whether probable cause existed to believe that the offense was committed. If the officer does not find that probable cause existed, the officer shall promptly return each placard to the person from whom it was seized. If the officer finds that probable cause existed, the officer, not later than the fifth day after the date of the seizure, shall destroy the [submit each seized] placard and notify [to] the department.

(a-1) A peace officer may seize a disabled parking placard from a person who operates a vehicle on which a disabled parking placard is displayed if the peace officer determines by inspecting the person's driver's license, ~~[or] personal identification certificate, or military identification~~ that the disabled parking placard does not contain the first four digits of the driver's license number, ~~[or] personal identification certificate number, or military identification number~~ and the initials of:

- (1) the person operating the vehicle;
- (2) the applicant on behalf of a person being transported by the vehicle; or
- (3) a person being transported by the vehicle.

(a-2) A peace officer shall ~~destroy a seized~~ ~~[submit each seized parking]~~ placard and notify ~~[to]~~ the department ~~[not later than the fifth day after the seizure].~~

(b) On seizure of a placard ~~[submission to the department]~~ under Subsection (a) or (a-1) ~~[(a-2)]~~, a placard is revoked. On request of the person from whom the placard was seized, the department shall conduct a hearing and determine whether the revocation should continue or the placard should be returned to the person and the revocation rescinded.

SECTION 132. Section 728.002(d), Transportation Code, is amended to read as follows:

(d) This section does not prohibit the quoting of a price for a motor home or ~~[;] tow truck~~ ~~[, or towable recreational vehicle]~~ at a show or exhibition described by Section 2301.358, Occupations Code.

SECTION 133. Section 730.007(c), Transportation Code, is amended to read as follows:

(c) This section does not:

(1) prohibit the disclosure of a person's photographic image to:

- (A) a law enforcement agency, the Texas Department of Motor Vehicles, a county tax assessor-collector, or a criminal justice agency for an official purpose;
- (B) an agency of this state investigating an alleged violation of a state or federal law relating to the obtaining, selling, or purchasing of a benefit authorized by Chapter 31 or 33, Human Resources Code; or
- (C) an agency of this state investigating an alleged violation of a state or federal law under authority provided by Title 4, Labor Code; or

(2) prevent a court from compelling by subpoena the production of a person's photographic image.

SECTION 134. Section 1001.009(c), Transportation Code, is amended to read as follows:

(c) The rules adopted under Subsection (a) may:

(1) authorize the use of electronic funds transfer or a valid debit or credit card issued by a financial institution chartered by a state, the United States, or a nationally recognized credit organization approved by the department; ~~[and]~~

(2) require the payment of a discount or service charge for a credit card payment in addition to the fee; and

(3) require an overpayment of a motor vehicle or salvage dealer license fee of:

(A) less than \$10 to be credited toward a future fee requirement; and

(B) more than \$10 to be refunded.

SECTION 135. Subchapter A, Chapter 1001, Transportation Code, is amended by adding Section 1001.012 to read as follows:

Sec. 1001.012. IMMUNITY FROM LIABILITY. (a) Notwithstanding any other law, the executive director, a board member, or an employee is not personally liable for damages resulting from an official act or omission unless the act or omission constitutes intentional or malicious malfeasance.

(b) To the extent a person described by Subsection (a) is personally liable for damages for which the state provides indemnity under Chapter 104, Civil Practice and Remedies Code, this section does not affect the state's liability for the indemnity.

SECTION 136. Subchapter A, Chapter 1001, Transportation Code, is amended by adding Section 1001.013 to read as follows:

Sec. 1001.013. PERFORMANCE OF CERTAIN DEPARTMENT FUNCTIONS BY AUTHORIZED BUSINESS. (a) The executive director of the department may authorize a business entity to perform a department function in accordance with rules adopted under Subsection (b).

(b) The board by rule shall prescribe:

(1) the classification types of businesses that are authorized to perform certain department functions;

(2) the duties and obligations of an authorized business;

(3) the type and amount of any bonds that may be required for a business to perform certain functions; and

(4) the fees that may be charged or retained by a business authorized under this section.

SECTION 137. Section 1001.023(b), Transportation Code, is amended to read as follows:

(b) The chair shall:

(1) preside over board meetings, make rulings on motions and points of order, and determine the order of business;

(2) represent the department in dealing with the governor;

(3) report to the governor on the state of affairs of the department at least quarterly;

(4) report to the board the governor's suggestions for department operations;

(5) report to the governor on efforts, including legislative requirements, to maximize the efficiency of department operations through the use of private enterprise;

(6) periodically review the department's organizational structure and submit recommendations for structural changes to the governor, the board, and the Legislative Budget Board;

(7) designate at least one employee [~~one or more employees~~] of the department as a civil rights officer [~~division~~] of the department and receive regular reports from the officer or officers [~~division~~] on the department's efforts to comply with civil rights legislation and administrative rules;

(8) create subcommittees, appoint board members to subcommittees, and receive the reports of subcommittees to the board as a whole;

(9) appoint a member of the board to act in the absence of the chair and vice chair; and

(10) serve as the departmental liaison with the governor and the Office of State-Federal Relations to maximize federal funding for transportation.

SECTION 138. Section 1001.042, Transportation Code, is amended to read as follows:

Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly define the respective responsibilities of the executive director and the staff of the department.

SECTION 139. Section 1001.101(2), Transportation Code, is amended to read as follows:

(2) "License" includes:

(A) a motor carrier registration issued under Chapter 643;

(B) a motor vehicle dealer, salvage dealer, manufacturer, distributor, representative, converter, or agent license issued by the department;

(C) specially designated or specialized license plates issued under Chapter 504; and

(D) an apportioned registration issued according to the International Registration Plan under Section 502.091 [~~502.054~~].

SECTION 140. The following laws are repealed:

(1) Sections 2301.101, 2301.157, 2301.259(b), and 2301.606(a), Occupations Code;

(2) Sections 502.252(b), 503.009(b), 503.029(b), 503.030(b), 503.066(b), 520.008, 520.009, 520.0091, 520.0092, 622.013, 622.017, 622.018, 623.0711(k), and 623.093(f), Transportation Code;

(3) Section 504.660(b), Transportation Code, as added by Chapter 1381 (S.B. 1616), Acts of the 81st Legislature, Regular Session, 2009; and

(4) Section 520.004, Transportation Code, as added by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 141. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 142. A deputy appointed under Section 520.0091, Transportation Code, on or before August 31, 2013, may continue to perform the services authorized under Sections 520.008, 520.009, 520.0091, and

520.0092, Transportation Code, until the Texas Department of Motor Vehicles Board adopts rules regarding the types of deputies authorized to perform titling and registration duties under Section 520.0071, Transportation Code, as added by this Act.

SECTION 143. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 144. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

(b) Sections 501.146 and 504.202, Transportation Code, as amended by this Act, and Section 504.948, Transportation Code, as added by this Act, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Sections 501.146 and 504.202, Transportation Code, as amended by this Act, and Section 504.948, Transportation Code, as added by this Act, take effect September 1, 2013.

**H.B. No. 2781**

AN ACT

relating to rainwater harvesting and other water conservation initiatives.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 3. Sections 341.042(b-1) and (b-3), Health and Safety Code, as added by Chapter 1240 (S.B. 1073), Acts of the 82nd Legislature, Regular Session, 2011, are amended to read as follows:

(b-1) A privately owned rainwater harvesting system with a capacity of more than 500 gallons that has an auxiliary water supply shall have a backflow prevention assembly or an air gap installed at the storage facility for the harvested rainwater to ensure physical separation between the rainwater harvesting system and the auxiliary water supply. A rainwater harvesting system that meets the requirements of this subsection is considered connected to a public water supply system only for purposes of compliance with minimum water system capacity requirements as determined by commission rule. ~~[The commission shall work with the department to develop rules regarding the installation and maintenance of rainwater harvesting systems that are used for indoor potable purposes and connected to a public water supply system. The rules must contain criteria that are sufficient to ensure that:~~

~~[(1) safe sanitary drinking water standards are met; and~~

~~[(2) harvested rainwater does not come into communication with a public water supply system's drinking water at a location off of the property on which the rainwater harvesting system is located.]~~

(b-3) A person who intends to use [connect a rainwater harvesting system to] a public water supply system as an auxiliary water source [for use for potable purposes] must give written notice of that intention to the municipality in which the rainwater harvesting system is located or the owner or operator of the public water supply system [before connecting the rainwater harvesting system to the public water supply system]. The public water supply system used as an auxiliary water source may be connected only to the water storage tank and may not be connected to the plumbing of a structure.

SECTION 4. Section 341.042(b-3), Health and Safety Code, as added by Chapter 1311 (H.B. 3391), Acts of the 82nd Legislature, Regular Session, 2011, is redesignated as Section 341.042(b-5), Health and Safety Code, and amended to read as follows:

(b-5) [(b-3)] A municipality or the owner or operator of a public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by a rainwater harvesting system that uses [is connected to] a public water supply system or an auxiliary water source and is used for potable purposes if the municipality or the public water supply system is in compliance with the sanitary standards for drinking water adopted by the commission and applicable to the municipality or public water supply system.

SECTION 7. Not later than January 1, 2014, the Texas Commission on Environmental Quality shall adopt rules to implement Section 341.042, Health and Safety Code, as amended by this Act.

SECTION 8. Sections 341.042(b-1) and (b-2), Health and Safety Code, as added by Chapter 1311 (H.B. 3391),



Acts of the 82nd Legislature, Regular Session, 2011, are repealed.

SECTION 9. Section 5.008(b), Property Code, as amended by this Act, applies only to a transfer of property that occurs on or after the effective date of this Act. A transfer of property that occurs before the effective date of this Act is governed by the law applicable to the transfer immediately before that date, and the former law is continued in effect for that purpose. For the purposes of this section, a transfer of property occurs before the effective date of this Act if the contract binding the purchaser to purchase the property is executed before that date.

SECTION 10. This Act takes effect September 1, 2013.

**H.B. No. 3015**

AN ACT

relating to a recall election for officials of certain general-law municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 21, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. REMOVAL OF MEMBER OF GOVERNING BODY OF CERTAIN GENERAL-LAW MUNICIPALITIES FOLLOWING ELECTION

Sec. 21.101. REMOVAL BY RECALL ELECTION AUTHORIZED. A member of the governing body of a general-law municipality with a population of less than 5,000 located in a county that borders the United Mexican States and has a population of more than 800,000 may be removed from office through a recall election initiated by petition as provided by this subchapter.

Sec. 21.102. PETITION. (a) Before circulating a petition, a notice of intent to circulate a petition must be filed with the municipal clerk. A notice of intent to circulate a petition may not be filed before the 180th day after the date the officer whose removal is sought:

(1) was elected; or

(2) was subject to an unsuccessful recall election.

(b) After notice is filed under Subsection (a), a petition may be circulated. Each page of the petition must legibly and conspicuously:

(1) be titled "Recall Petition";

(2) state that the petition seeks to initiate a recall election to remove a member of the governing body;

(3) state the full name and title of the member whose removal is sought; and

(4) state the reasons for seeking removal.

(c) For a signature to be valid, it must:

(1) comply with the requirements of Section 277.002, Election Code; and

(2) be the signature of a registered voter in the territory that elected the member whose removal is sought.

(d) At least one signer of the petition must swear before a notary public or other person authorized to administer oaths that each signature on the petition was made by the person whose signature it purports to be, and that oath must be memorialized on the petition.

(e) A petition is valid if:

(1) the petition complies with the requirements of Subsections (a), (b), (c), and (d) of this section and Chapter 277, Election Code;

(2) the total number of valid signatures on the petition equals at least 50 percent of the total number of votes cast in the most recent election of the member whose removal is sought that was not a runoff election; and

(3) the petition is filed with the municipal clerk not later than the 30th day after the date of the filing of notice under Subsection (a).

Sec. 21.103. REVIEW OF PETITION. (a) Not later than the 10th day after the date a petition is filed, the municipal clerk shall review the petition and determine whether the petition is valid.

(b) If the municipal clerk determines the petition is valid, the clerk shall attach a certificate to the petition stating that the petition is valid and submit the petition and certificate to the governing body of the municipality as soon as practicable. If the clerk determines that the petition is not valid:

(1) the clerk shall attach a certificate to the petition stating the facts supporting the determination that the



petition is not valid;

(2) the clerk shall notify the person who filed the petition of the clerk's determination;

(3) the petition may be amended or supplemented and resubmitted not later than the 10th day after the date of the certification under Subdivision (1); and

(4) the clerk shall return the petition to the person who filed it.

(c) The municipal clerk shall determine the validity of a petition resubmitted under Subsection (b)(3) in the same manner as the original submission except that if the clerk determines the petition is not valid the petition may not be further amended or supplemented and the recall election is not held.

Sec. 21.104. ELECTION. (a) Unless the member who is the target of the petition resigns before the sixth day after the date a petition and certificate are delivered to the governing body of the municipality, the governing body shall order that a recall election be held on the first uniform election date that occurs 78 days after the date of the order.

(b) The ballot for a recall election shall be printed to permit voting for or against the proposition: "The removal of (name of the member of the governing body) from the governing body of (name of the municipality)".

(c) If less than a majority of the votes received at the recall election are in favor of removal of the member of the governing body named on the ballot, the member remains in office. If a majority of the votes received are in favor of the removal of the member, the governing body shall immediately declare the member's office vacant and the vacancy shall be filled in the manner prescribed by law for filling a vacancy on the governing body. A member removed by recall may not be appointed to fill the vacancy and may not be a candidate in any election called to fill the vacancy.

Sec. 21.105. CLERK. In this subchapter, a municipal clerk includes a municipal secretary or any other officer of the municipality who performs the duties of a municipal clerk or secretary.

SECTION 2. The heading to Subchapter B, Chapter 21, Local Government Code, is amended to read as follows:

SUBCHAPTER B. JUDICIAL REMOVAL OF MEMBER OF GOVERNING BODY OF GENERAL-LAW MUNICIPALITY

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 3031**

AN ACT

relating to fare enforcement officers for metropolitan rapid transit authorities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 451.0612, Transportation Code, is amended to read as follows:

Sec. 451.0612. FARE ENFORCEMENT OFFICERS [~~IN CERTAIN AUTHORITIES~~].

SECTION 2. Section 451.0612(a), Transportation Code, is amended to read as follows:

(a) An authority [~~confirmed before July 1, 1985, in which the principal municipality has a population of less than 850,000~~] may employ persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system by:

(1) requesting and inspecting evidence showing payment of the appropriate fare from a person using the public transportation system; and

(2) issuing a citation to a person described by Section 451.0611(d)(1).

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 3068**

AN ACT

relating to debit card or stored value card surcharges.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 59, Finance Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PROHIBITION OF SURCHARGE

Sec. 59.401. DEFINITIONS. In this subchapter:

(1) "Cardholder" means the person named on the face of a debit or stored value card to whom or for whose benefit the card is issued.

(2) "Debit card" has the meaning in Section 502.001, Business & Commerce Code.

(3) "Merchant" means a person in the business of selling or leasing goods or services.

(4) "Stored value card" has the meaning as defined in Section 604.001(1), Business & Commerce Code, but does not include the meaning as defined in Section 604.001(2), Business & Commerce Code.

Sec. 59.402. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR STORED VALUE CARD. (a) In a sale of goods or services, a merchant may not impose a surcharge on a buyer who uses a debit or stored value card instead of cash, a check, credit card, or a similar means of payment.

(b) This section does not apply to a state agency, county, local governmental entity, or other governmental entity that accepts a debit or stored value card for the payment of fees, taxes, or other charges.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 3279**

AN ACT

relating to the uprooting of seagrass plants; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 66, Parks and Wildlife Code, is amended by adding Section 66.024 to read as follows:

Sec. 66.024. SEAGRASS PLANTS. (a) In this section, "seagrass plant" means a flowering marine plant of the species:

(1) *Cymodocea filiformis*, known as manatee grass;

(2) *Halodule beaudettei* or *Halodule wrightii*, known as shoal grass;

(3) *Halophila engelmannii*, known as star grass or Engelmann's seagrass;

(4) *Ruppia maritima*, known as widgeon grass; or

(5) *Thalassia testudinum*, known as turtle grass.

(b) A person may not uproot or dig out any rooted seagrass plant from a bay bottom or other saltwater bottom area in the jurisdiction of this state by means of a propeller, except as that uprooting or digging out may be authorized by a commercial license or permit issued by the department.

(c) It is a defense to prosecution under this section that a person:

(1) anchors a vessel within an area containing seagrass plants and uproots a seagrass plant;

(2) uses an electric trolling motor within an area containing seagrass plants and uproots a seagrass plant; or

(3) operates a vessel in a manner consistent with the acceleration required to reach and stay on plane.

(d) A person who violates this section or a proclamation of the commission under this section commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 3483**

AN ACT

relating to requirements for a driver education course, the eligibility of persons under 18 years of age to operate a motor vehicle, and the administration of certain driver's license examinations by home-taught driver education course providers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.101, Education Code, as amended by Chapters 1253 (H.B. 339) and 1413 (S.B. 1317), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 1001.101. ADULT AND MINOR DRIVER EDUCATION COURSE CURRICULUM AND

TEXTBOOKS. (a) The commissioner by rule shall establish or approve the curriculum and designate the textbooks to be used in a driver education course for minors and adults, including a driver education course conducted by a school district, driver education school, or parent or other individual under Section 521.205, Transportation Code.

(b) A driver education course must require the student to complete:

- (1) 7 hours of behind-the-wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements imposed under Section 521.205, Transportation Code;
- (2) 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements imposed under Section 521.205, Transportation Code; and
- (3) 30 [20] hours of behind-the-wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Section 521.222(d)(2), Transportation Code.

SECTION 2. The heading to Section 521.1655, Transportation Code, is amended to read as follows:

Sec. 521.1655. TESTING BY DRIVER EDUCATION SCHOOL AND CERTAIN DRIVER EDUCATION COURSE PROVIDERS.

SECTION 3. Section 521.1655, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A driver education course provider approved under Section 521.205 may administer to a student of that course the highway sign and traffic law parts of the examination required by Section 521.161.

SECTION 4. Section 521.205(c), Transportation Code, is amended to read as follows:

(c) The rules must provide a method by which:

- (1) approval of a course is obtained;
- (2) an applicant submits proof of completion of the course; [and]
- (3) approval for delivering course materials by an alternative method, including electronic means, is obtained;
- (4) a provider of a course approved under this section may administer to an applicant the highway sign and traffic law parts of the examination as provided by Section 521.1655(a-1) through electronic means; and
- (5) an applicant submits proof of passage of an examination administered under Subdivision (4).

SECTION 5. Section 545.424(a-1), Transportation Code, is amended to read as follows:

~~(a-1) A person under 18 years of age may not operate a motor vehicle [during the 12-month period following issuance of an original Class A, B, or C driver's license to the person]:~~

- (1) after midnight and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or
- (2) with more than one passenger in the vehicle under 21 years of age who is not a family member.

SECTION 6. The change in law made by Section 1001.101(b), Education Code, as amended by this Act, applies only to a driver education course that begins on or after the effective date of this Act. A course that begins before the effective date of this Act is governed by the law in effect on the date the course began, and that law is continued in effect for that purpose.

SECTION 7. The Department of Public Safety shall adopt the rules required by Section 521.205, Transportation Code, as amended by this Act, not later than January 1, 2014.

SECTION 8. This Act takes effect September 1, 2013.

**H.B. No. 3561**

AN ACT

relating to the proceedings of certain municipal courts held in the corporate limits of a contiguous incorporated municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 29.104, Government Code, is amended to read as follows:

Sec. 29.104. MUNICIPAL COURT PROCEEDINGS OUTSIDE CORPORATE LIMITS. The municipal court of a municipality with a population of 3,500 [700] or less may conduct its proceedings within the corporate limits of a contiguous incorporated municipality.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 3668**

AN ACT

relating to an individual's responsibilities following an accident reasonably likely to result in injury to or death

of a person; imposing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 550.021(a), Transportation Code, is amended to read as follows:

(a) The operator of a vehicle involved in an accident that results or is reasonably likely to result [~~resulting~~] in injury to or death of a person shall:

(1) immediately stop the vehicle at the scene of the accident or as close to the scene as possible;

(2) immediately return to the scene of the accident if the vehicle is not stopped at the scene of the accident; [~~and~~]

(3) immediately determine whether a person is involved in the accident, and if a person is involved in the accident, whether that person requires aid; and

(4) remain at the scene of the accident until the operator complies with the requirements of Section 550.023.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

**H.B. No. 3674**

AN ACT

relating to eligibility of municipalities to participate in the historic courthouse preservation and maintenance programs administered by the Texas Historical Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 442.001(1), Government Code, is amended to read as follows:

(1) "Historic courthouse" means a county courthouse that is at least 50 years old. The term includes a structure that:

(A) previously functioned as the official county courthouse of the county in which it is located; and

(B) is owned by a municipality.

SECTION 2. Sections 442.0081(b), (c), (d), (e), (f), and (g-1), Government Code, are amended to read as follows:

(b) A county or municipality that owns a historic courthouse may apply to the commission for a grant or loan for a historic courthouse project. The application must:

(1) state the location of the courthouse;

(2) state whether the courthouse is or is likely to become a historic structure;

(3) state the amount of money or in-kind contributions that the county or municipality promises to contribute to the project;

(4) state whether the courthouse is currently functioning as a courthouse;

(5) include any plans, including a master preservation plan, that the county or municipality may have for the project; and

(6) include any other information that the commission by rule may require.

(c) The commission may grant or loan money to a county or municipality that owns a historic courthouse, for the purpose of preserving or restoring the courthouse, if the county's or municipality's application meets the standards of the historic courthouse preservation program. In considering whether to grant an application, the commission shall consider the preferences and factors listed in this section as well as any other factors that it may provide by rule.

(d) In considering whether to grant an application, the commission shall give preference to:

(1) a proposed project to preserve or restore a courthouse:

(A) that is or is likely to become a historic structure; and

(B) that:

(i) is still functioning as a courthouse;

(ii) was built before 1875; or

- (iii) is subject to a conservation easement held by the commission; and
- (2) a county or municipality that will provide or has provided at least 15 percent of the project's costs, including:
- (A) in-kind contributions; and
- (B) previous expenditures for master planning and renovations on the courthouse that are the subject of the application.
- (e) In considering whether to grant an application, the commission shall also consider the following factors:
- (1) the amount of money available for a grant or loan and the percentage of the costs that the county or municipality will contribute;
- (2) whether the county or municipality will contribute any in-kind contribution such as labor or materials;
- (3) the cost to preserve or restore the courthouse;
- (4) the architectural style of the courthouse;
- (5) the historic significance of the courthouse;
- (6) the county's or municipality's master preservation plan; and
- (7) any other factors that the commission by rule may provide.
- (f) The commission shall adopt rules regarding the way in which it will consider the following factors in analyzing a county's or municipality's contribution to project costs under Subsection (d)(2):
- (1) the period during which past expenditures can be considered;
- (2) the amount of past expenditures that can be considered; and
- (3) the amount and type of in-kind contributions that can be considered.
- (g-1) To help protect courthouses that have benefited from the historic courthouse preservation program, the commission shall develop and implement a maintenance program to assist counties and municipalities receiving money under the preservation program in continuing to maintain, repair, and preserve the courthouses. The maintenance program may include offering to periodically inspect the courthouses and offering counties and municipalities technical assistance and information on best practices in maintaining the courthouses.
- SECTION 3. Section 442.0082, Government Code, is amended to read as follows:
- Sec. 442.0082. HISTORIC COURTHOUSE PROJECT; REQUIREMENTS. (a) Before incurring any expenses payable from funds received from the commission under the historic courthouse preservation program, a county or municipality must have a master preservation plan for its historic courthouse project. The commission by rule shall prescribe the minimum standards for a master preservation plan.
- (b) A county or municipality that receives money under the historic courthouse preservation program must use recognized preservation standards for work on a historic courthouse project. The commission by rule shall establish standards regarding the quality of the work performed on a historic courthouse project.
- (c) A county or municipality that receives money under the historic courthouse preservation program for a historic courthouse project may use the money only for eligible preservation and restoration expenses that the commission by rule shall prescribe. Eligible expenses may include costs for:
- (1) structural, mechanical, electrical, and plumbing systems and weather protection and emergency public safety issues not covered by insurance;
- (2) code and environmental compliance, including complying with the federal Americans with Disabilities Act of 1990 and its subsequent amendments, Chapter 469 [~~Article 9102, Revised Statutes~~], and other state laws relating to accessibility standards, hazardous materials mitigation rules, and other similar concerns;
- (3) replication of a missing architectural feature;
- (4) removal of an inappropriate addition or modification; and
- (5) restoration of a courtroom or other significant public space in a functional and historically appropriate manner.
- (d) A county's or municipality's expenditure of money received under this chapter for a historic courthouse project is subject to audit by the state auditor in accordance with Chapter 321.
- (e) The commission by rule shall provide for oversight procedures on a project. These rules shall provide for reasonable inspections by the commission as well as periodic reports by a county or municipality on a project's progress.



SECTION 4. Section 442.0083(b), Government Code, is amended to read as follows:

(b) Except as otherwise provided by Subsection (c), the commission may use money in the historic courthouse preservation fund account to provide a grant or loan to a county or municipality that owns a historic courthouse for a historic courthouse project. The grant or loan may be in the amount and according to the terms that the commission by rule shall determine.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 3676**

AN ACT

relating to the application of restrictions on drivers under 18 years of age.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.424(c), Transportation Code, is amended to read as follows:

(c) This section does not apply to:

(1) ~~the holder of a hardship license;~~

~~[(2)]~~ a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit; or

~~(2)~~ ~~[(3)]~~ a person licensed by the Federal Communications Commission to operate a wireless communication device or a radio frequency device.

SECTION 2. This Act takes effect September 1, 2013.

**H.B. No. 3739**

AN ACT

relating to the continued employment of municipal employees who become candidates for public office.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Senator Mario Gallegos Act.

SECTION 2. Chapter 150, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. EMPLOYEES AS CANDIDATES FOR OFFICE

Sec. 150.041. PROHIBITED MUNICIPAL ACTIONS. (a) In this section, "candidate" has the meaning assigned by Section 251.001(1), Election Code.

(b) A municipality may not prohibit a municipal employee from becoming a candidate for public office.

(c) A municipality may not take disciplinary action against a municipal employee, including terminating the employment of the employee, solely because the employee becomes a candidate for public office. However, the employee is still expected to fulfill all the duties and responsibilities associated with their municipal employment.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**H.B. No. 3838**

AN ACT

relating to motorcycle equipment and training and the license requirements for a three-wheeled motorcycle; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as Malorie's Law.

SECTION 2. Section 521.148(a), Transportation Code, is amended to read as follows:

(a) An applicant for an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a ~~[basic]~~ motorcycle operator training course approved by the department under Chapter 662. The department shall issue a Class M license that is restricted to the operation of

a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle.

SECTION 3. Section 545.416(b), Transportation Code, is amended to read as follows:

(b) An operator may not carry another person on the motorcycle, and a person who is not operating the motorcycle may not ride on the motorcycle, unless the motorcycle is:

(1) designed to carry more than one person; and

(2) equipped with footrests and handholds for use by the passenger.

SECTION 4. Effective January 1, 2015, Subchapter K, Chapter 547, Transportation Code, is amended by adding Section 547.617 to read as follows:

Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED. A motorcycle that is designed to carry more than one person must be equipped with footrests and handholds for use by the passenger.

SECTION 5. Section 662.002(b), Transportation Code, is amended to read as follows:

(b) The program:

(1) shall contain information regarding operating a motorcycle while carrying a passenger; and

(2) may [shall] include curricula developed by the Motorcycle Safety Foundation.

SECTION 6. Section 662.006, Transportation Code, is amended to read as follows:

Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) A person may not offer or conduct training in motorcycle operation for [a] consideration unless the person is licensed by or contracts with the designated state agency.

(b) A person who violates Subsection (a) commits an offense. An offense under this subsection is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section.

SECTION 7. Section 662.008(b), Transportation Code, is amended to read as follows:

(b) Following denial, suspension, or cancellation of [Before the designated state agency may deny, suspend, or cancel] the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

(1) Chapter 2001, Government Code; and

(2) Chapter 53, Occupations Code.

SECTION 8. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.

**H.J.R. No. 87**

#### A JOINT RESOLUTION

proposing a constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11, Article XI, Texas Constitution, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers must elect all of the members of its governing body by majority vote of the qualified voters in such municipality.

(c) Any[ ~~and any~~] vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less."

**S.B. No. 92**

AN ACT

relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.04, Family Code, is amended by amending Subsections (b) and (e) and adding Subsection (i) to read as follows:

(b) In each county, the county's juvenile board shall designate one or more district, criminal district, domestic relations, juvenile, or county courts or county courts at law as the juvenile court, subject to Subsections (c), ~~[and] (d), and (i) [of this section].~~

(e) A designation made under Subsection (b), ~~[or] (c), or (i) [of this section]~~ may be changed from time to time by the authorized boards or judges for the convenience of the people and the welfare of children. However, there must be at all times a juvenile court designated for each county. It is the intent of the legislature that in selecting a court to be the juvenile court of each county, the selection shall be made as far as practicable so that the court designated as the juvenile court will be one which is presided over by a judge who has a sympathetic understanding of the problems of child welfare and that changes in the designation of juvenile courts be made only when the best interest of the public requires it.

(i) If the court designated as the juvenile court under Subsection (b) does not have jurisdiction over proceedings under Subtitle E, Title 5, the county's juvenile board may designate at least one other court that does have jurisdiction over proceedings under Subtitle E, Title 5, as a juvenile court or alternative juvenile court.

SECTION 2. Chapter 51, Family Code, is amended by adding Section 51.0413 to read as follows:

Sec. 51.0413. JURISDICTION OVER AND TRANSFER OF COMBINATION OF PROCEEDINGS. (a) A juvenile court designated under Section 51.04(b) or, if that court does not have jurisdiction over proceedings under Subtitle E, Title 5, the juvenile court designated under Section 51.04(i) may simultaneously exercise jurisdiction over proceedings under this title and proceedings under Subtitle E, Title 5, if there is probable cause to believe that the child who is the subject of those proceedings engaged in delinquent conduct or conduct indicating a need for supervision and cause to believe that the child may be the victim of conduct that constitutes an offense under Section 20A.02, Penal Code.

(b) If a proceeding is instituted under this title in a juvenile court designated under Section 51.04(b) that does not have jurisdiction over proceedings under Subtitle E, Title 5, the court shall assess the case and may transfer the proceedings to a court designated as a juvenile court or alternative juvenile court under Section 51.04(i) if the receiving court agrees and if, in the course of the proceedings, evidence is presented that constitutes cause to believe that the child who is the subject of those proceedings is a child described by Subsection (a).

SECTION 3. Section 52.032, Family Code, is amended to read as follows:

Sec. 52.032. INFORMAL DISPOSITION GUIDELINES. (a) The juvenile board of each county, in cooperation with each law enforcement agency in the county, shall adopt guidelines for the disposition of a child under Section 52.03 or 52.031. The guidelines adopted under this section shall not be considered mandatory.

(b) The guidelines adopted under Subsection (a) may not allow for the case of a child to be disposed of under Section 52.03 or 52.031 if there is probable cause to believe that the child engaged in delinquent conduct or conduct indicating a need for supervision and cause to believe that the child may be the victim of conduct that constitutes an offense under Section 20A.02, Penal Code.

SECTION 4. Chapter 54, Family Code, is amended by adding Section 54.0326 to read as follows:

Sec. 54.0326. DEFERRAL OF ADJUDICATION AND DISMISSAL OF CERTAIN CASES ON COMPLETION OF TRAFFICKED PERSONS PROGRAM. (a) This section applies to a juvenile court or to an alternative juvenile court exercising simultaneous jurisdiction over proceedings under this title and Subtitle E,

Title 5, in the manner authorized by Section 51.0413.

(b) A juvenile court may defer adjudication proceedings under Section 54.03 until the child's 18th birthday and require a child to participate in a program established under Section 152.0016, Human Resources Code, if the child:

(1) is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision and may be a victim of conduct that constitutes an offense under Section 20A.02, Penal Code; and

(2) presents to the court an oral or written request to participate in the program.

(c) Following a child's completion of the program, the court shall dismiss the case with prejudice at the time the child presents satisfactory evidence that the child successfully completed the program.

SECTION 5. Chapter 54, Family Code, is amended by adding Section 54.04011 to read as follows:

Sec. 54.04011. TRAFFICKED PERSONS PROGRAM. (a) This section applies to a juvenile court or to an alternative juvenile court exercising simultaneous jurisdiction over proceedings under this title and Subtitle E, Title 5, in the manner authorized by Section 51.0413.

(b) A juvenile court may require a child adjudicated to have engaged in delinquent conduct or conduct indicating a need for supervision and who is believed to be a victim of conduct that constitutes an offense under Section 20A.02, Penal Code, to participate in a program established under Section 152.0016, Human Resources Code.

(c) The court may require a child participating in the program to periodically appear in court for monitoring and compliance purposes.

(d) Following a child's successful completion of the program, the court may order the sealing of the records of the case in the manner provided by Sections 58.003(c-7) and (c-8).

SECTION 6. Section 58.003, Family Code, is amended by adding Subsections (c-7) and (c-8) to read as follows:

(c-7) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court may order the sealing of records concerning a child found to have engaged in delinquent conduct or conduct indicating a need for supervision or taken into custody to determine whether the child engaged in delinquent conduct or conduct indicating a need for supervision if the child successfully completed a trafficked persons program under Section 152.0016, Human Resources Code. The court may:

(1) order the sealing of the records immediately and without a hearing; or

(2) hold a hearing to determine whether to seal the records.

(c-8) If the court orders the sealing of a child's records under Subsection (c-7), a prosecuting attorney or juvenile probation department may maintain until the child's 18th birthday a separate record of the child's name and date of birth and the date the child successfully completed the trafficked persons program. The prosecuting attorney or juvenile probation department, as applicable, shall send the record to the court as soon as practicable after the child's 18th birthday to be added to the child's other sealed records.

SECTION 7. Subchapter A, Chapter 152, Human Resources Code, is amended by adding Section 152.0016 to read as follows:

Sec. 152.0016. TRAFFICKED PERSONS PROGRAM. (a) A juvenile board may establish a trafficked persons program under this section for the assistance, treatment, and rehabilitation of children who:

(1) are alleged to have engaged in or adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision; and

(2) may be victims of conduct that constitutes an offense under Section 20A.02, Penal Code.

(b) A program established under this section must:

(1) if applicable, allow for the integration of services available to a child pursuant to proceedings under Title 3, Family Code, and Subtitle E, Title 5, Family Code;

(2) if applicable, allow for the referral to a facility that can address issues associated with human trafficking; and

(3) require a child participating in the program to periodically appear in court for monitoring and compliance purposes.

SECTION 8. The changes in law made by this Act apply only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is covered by the law in effect at the



time the conduct occurred, and the former law is continued in effect for that purpose. For the purposes of this section, conduct occurs before the effective date of this Act if any element of the conduct occurred before that date.

SECTION 9. This Act takes effect September 1, 2013.

**S.B. No. 107**

AN ACT

relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 411.081, Government Code, is amended by amending Subsections (a) and (d) and adding Subsections (f-1) and (g-3) to read as follows:

(a) This subchapter does not apply to criminal history record information that is contained in:

- (1) posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;
- (2) original records of entry, including police blotters maintained by a criminal justice agency that are compiled chronologically and required by law or long-standing practice to be available to the public;
- (3) public judicial, administrative, or legislative proceedings;
- (4) court records of public judicial proceedings, except as provided by Subsection (g-3);
- (5) published judicial or administrative opinions; or
- (6) announcements of executive clemency.

(d) Notwithstanding any other provision of this subchapter, if a person is placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, subsequently receives a discharge and dismissal under Section 5(c), Article 42.12, and satisfies the requirements of Subsection (e), the person may petition the court that placed the defendant on deferred adjudication for an order of nondisclosure under this subsection. Except as provided by Subsection (e), a person may petition the court for an order of nondisclosure [under this subsection] regardless of whether the person has been previously placed on deferred adjudication community supervision for another offense. After notice to the state, an opportunity for [and] a hearing, and a determination that [on whether] the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication. A criminal justice agency may disclose criminal history record information that is the subject of the order only to other criminal justice agencies, for criminal justice or regulatory licensing purposes, an agency or entity listed in Subsection (i), or the person who is the subject of the order. A person may petition the court that placed the person on deferred adjudication for an order of nondisclosure [on payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The payment may be made] only on or after:

- (1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (2);
- (2) the second anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22, 25, 42, or 46, Penal Code; or
- (3) the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

(f-1) A person who petitions the court for an order of nondisclosure under Subsection (d) may file the petition in person, electronically, or by mail. The petition must be accompanied by payment of a \$28 fee to the clerk of the court in addition to any other fee that generally applies to the filing of a civil petition. The Office of Court Administration of the Texas Judicial System shall prescribe a form for the filing of a petition electronically or by mail. The form must provide for the petition to be accompanied by the required fees and any other supporting material determined necessary by the office of court administration, including evidence that the person is entitled to file the petition. The office of court administration shall make available on its Internet website the electronic application and printable application form. Each county or district clerk's office that maintains an



Internet website shall include on that website a link to the electronic application and printable application form available on the office of court administration's Internet website. On receipt of a petition under this subsection, the court shall provide notice to the state and an opportunity for a hearing on whether the person is entitled to file the petition and issuance of the order is in the best interest of justice. The court shall hold a hearing before determining whether to issue an order of nondisclosure, except that a hearing is not required if:

(1) the state does not request a hearing on the issue before the 45th day after the date on which the state receives notice under this subsection; and

(2) the court determines that:

(A) the defendant is entitled to file the petition; and

(B) the order is in the best interest of justice.

(g-3) A court may not disclose to the public any information contained in the court records that is the subject of an order of nondisclosure issued under this section. The court may disclose information contained in the court records that is the subject of an order of nondisclosure only to criminal justice agencies for criminal justice or regulatory licensing purposes, to an agency or entity listed in Subsection (i), or to the person who is the subject of the order. The clerk of the court issuing an order of nondisclosure under this section shall seal any court records containing information that is the subject of the order as soon as practicable after the date the clerk of the court sends all relevant criminal history record information contained in the order or a copy of the order to the Department of Public Safety under Subsection (g).

SECTION 2. (a) Subsection (a), Section 411.081, Government Code, as amended by this Act, and Subsection (g-3), Section 411.081, Government Code, as added by this Act, apply to the disclosure on or after the effective date of this Act of information that is the subject of an order of nondisclosure issued under Section 411.081, Government Code, regardless of whether the order is issued before, on, or after the effective date of this Act.

(b) Subsection (d), Section 411.081, Government Code, as amended by this Act, and Subsection (f-1), Section 411.081, Government Code, as added by this Act, apply to a person who petitions the court for an order of nondisclosure on or after the effective date of this Act, regardless of whether the person is placed on deferred adjudication community supervision before, on, or after that date.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 124**

#### AN ACT

relating to the punishment for the offense of tampering with certain governmental records based on certain reporting for school districts and open-enrollment charter schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (2), Subsection (c), Section 37.10, Penal Code, is amended to read as follows:

(2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was:

(A) a public school record, report, or assessment instrument required under Chapter 39, Education Code, data reported for a school district or open-enrollment charter school to the Texas Education Agency through the Public Education Information Management System (PEIMS) described by Section 42.006, Education Code, under a law or rule requiring that reporting, or [was] a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States, unless the actor's intent is to defraud or harm another, in which event the offense is a felony of the second degree;

(B) a written report of a medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action; or

(C) a written report of the certification, inspection, or maintenance record of an instrument, apparatus, implement, machine, or other similar device used in the course of an examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action.

SECTION 2. Subsection (d), Section 39.03, Penal Code, is amended to read as follows:

(d) An offense under this section is a Class A misdemeanor, except that an offense is a felony of the third

degree if the public servant acted with the intent to impair the accuracy of data reported to the Texas Education Agency through the Public Education Information Management System (PEIMS) described by Section 42.006, Education Code, under a law requiring that reporting.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

**S.B. No. 181**

#### AN ACT

relating to verification of motor vehicle financial responsibility information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 601.053, Transportation Code, is amended by amending Subsections (a) and (c) and adding Subsections (d), (e), and (f) to read as follows:

(a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:

(1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;

(2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle;

(2-a) an image displayed on a wireless communication device that includes the information required by Section 601.081 as provided by a liability insurer;

(3) an insurance binder that confirms the operator is in compliance with this chapter;

(4) a surety bond certificate issued under Section 601.121;

(5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122;

(6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or

(7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate.

(c) Subsection (b) does not apply if the peace officer determines through use of the verification program established under Subchapter N that financial responsibility has been established for the vehicle. If a peace officer has access to the verification program, the officer may not issue a citation for a violation of Section 601.051 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.

(d) The display of an image that includes financial responsibility information on a wireless communication device under Subsection (a)(2-a) does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the financial responsibility information.

(e) The authorization of the use of a wireless communication device to display financial responsibility information under Subsection (a)(2-a) does not prevent:

(1) 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 or in connection with discovery proceedings; or

(2) the commissioner of insurance from requiring a person to provide a paper copy of the person's evidence of financial responsibility in connection with any inquiry or transaction conducted by or on behalf of the commissioner.

(f) A telecommunications provider, as defined by Section 51.002, Utilities Code, may not be held liable to the operator of the motor vehicle for the failure of a wireless communication device to display financial

responsibility information under Subsection (a)(2-a).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 186**

AN ACT

relating to the abatement of mosquitoes in stagnant water located on certain uninhabited residential property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 341, Health and Safety Code, is amended by adding Section 341.019 to read as follows:

Sec. 341.019. MOSQUITO CONTROL ON UNINHABITED RESIDENTIAL PROPERTY. (a)

Notwithstanding any other law, a municipality, county, or other local health authority may abate, without notice, a public health nuisance under Section 341.011(7) that:

(1) is located on residential property that is reasonably presumed to be abandoned or that is uninhabited due to foreclosure; and

(2) is an immediate danger to the health, life, or safety of any person.

(b) A public official, agent, or employee charged with the enforcement of health, environmental, or safety laws may enter the premises described by Subsection (a) at a reasonable time to inspect, investigate, or abate the nuisance.

(c) In this section, abatement is limited to the treatment with a mosquito larvicide of stagnant water in which mosquitoes are breeding.

(d) The public official, agent, or employee shall post on the front door of the residence a notice stating:

(1) the identity of the treating authority;

(2) the purpose and date of the treatment;

(3) a description of the areas of the property treated with larvicide;

(4) the type of larvicide used; and

(5) any known risks of the larvicide to humans or animals.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 209**

AN ACT

relating to the functions and operation of the State Commission on Judicial Conduct.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (7), Subsection (a), Section 33.001, Government Code, is amended to read as follows:

(7) "Formal proceedings" means the proceedings ordered by the commission concerning the public sanction, public censure, removal, or retirement of a judge.

SECTION 2. Section 33.002, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The commission is an agency of the judicial branch of state government and administers judicial discipline. The commission does not have the power or authority of a court in this state.

SECTION 3. Section 33.003, Government Code, is amended to read as follows:

Sec. 33.003. SUNSET PROVISION. The State Commission on Judicial Conduct is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2019 [2004] and every 12th year after 2019 [2004] are reviewed.

SECTION 4. Subsection (a), Section 33.005, Government Code, is amended to read as follows:

(a) Not later than December 1 of each year, the commission shall submit to the legislature a report for the preceding fiscal year ending August 31. The report is required to be made in an electronic format only.

SECTION 5. Subchapter A, Chapter 33, Government Code, is amended by adding Section 33.0055 to read as

follows:

Sec. 33.0055. PUBLIC MEETING. (a) The commission shall in each even-numbered year hold a public hearing to consider comment from the public regarding the commission's mission and operations. Such comments shall be considered in a manner which does not compromise the confidentiality of matters considered by the commission.

(b) The commission shall provide notice of a public hearing under this section to the secretary of state. The secretary of state shall post the notice on the Internet for at least seven days before the day of the hearing and provide members of the public access to view the notice in the manner specified by Section 551.044 for notice of an open meeting.

SECTION 6. Subchapter B, Chapter 33, Government Code, is amended by adding Section 33.0322 to read as follows:

Sec. 33.0322. CONFIDENTIAL INFORMATION PROVIDED TO SUNSET ADVISORY COMMISSION.

(a) Notwithstanding Section 33.032 or other law, including Section 1-a(10), Article V, Texas Constitution, the commission shall provide to the Sunset Advisory Commission staff conducting a review under Chapter 325 (Texas Sunset Act) access to the commission's confidential documents, records, meetings, and proceedings, including proceedings in which testimony is given, as the Sunset Advisory Commission staff determines necessary to conduct a complete and thorough evaluation of the commission's activities.

(b) The confidentiality provisions of this chapter and other law do not authorize the commission to withhold from the Sunset Advisory Commission staff access to any confidential document, record, meeting, or proceeding to which the Sunset Advisory Commission staff determines access is necessary for a review under Chapter 325 (Texas Sunset Act).

(c) The Sunset Advisory Commission staff shall maintain the confidentiality the commission is required to maintain under this chapter and other law for each document, record, meeting, or proceeding that the staff accesses or receives as part of a review under Chapter 325 (Texas Sunset Act).

(d) The commission does not violate the attorney-client privilege, or any other privilege or confidentiality requirement protected or required by the Texas Constitution, common law, statutory law, or rules of evidence, procedure, or professional conduct, by providing to the Sunset Advisory Commission staff for purposes of a review under Chapter 325 (Texas Sunset Act) a confidential communication, including a document or record or any testimony or other information presented in a closed meeting or proceeding of the commission, that is made between the commission and its attorneys or other employees assisting the commission in its decision-making process.

SECTION 7. Subsection (e), Section 33.033, Government Code, is amended to read as follows:

(e) If the complaint is dismissed by the commission, the commission shall include in the notification under Subsection (a):

- (1) an explanation of each reason for the dismissal, including, as applicable, in plain, easily understandable language, each reason the conduct alleged in the complaint did not constitute judicial misconduct; and
- (2) information relating to requesting reconsideration of the dismissed complaint as provided by Sections 33.035(a) and (f).

SECTION 8. Subsections (a), (e), (f), and (g), Section 33.034, Government Code, are amended to read as follows:

(a) A judge who receives from the commission [~~any type of sanction, or~~] a sanction or censure issued by the commission under Section 1-a(8), Article V, Texas Constitution, or any other type of sanction is entitled to a review of the commission's decision as provided by this section. This section does not apply to a decision by the commission to institute formal proceedings.

(e) The review by the court under this section:

- (1) of a sanction or censure issued in a formal proceeding is a review of the record of the proceedings that resulted in the sanction or censure and is based on the law and facts that were presented in the proceedings and any additional evidence that the court in its discretion may, for good cause shown, permit; and
- (2) of a sanction issued in an informal proceeding is by trial de novo as that term is used in the appeal of cases from justice to county court.



(f) Except as otherwise provided by this section, the procedure for the review of a sanction issued in an informal proceeding is governed to the extent practicable by the rules of law, evidence, and procedure that apply to the trial of civil actions generally.

(g) A judge is not entitled to a trial by jury in a review under this section of a sanction issued in an informal proceeding [~~under this section~~].

SECTION 9. Subchapter B, Chapter 33, Government Code, is amended by adding Section 33.039 to read as follows:

Sec. 33.039. REVIEW OF COMMISSION OPERATIONS AND PROCEDURAL RULES. The commission periodically as the commission determines appropriate shall:

(1) assess the operations of the commission and implement any improvements needed to increase efficiency; and

(2) review the commission's procedural rules adopted by the supreme court to determine whether rule amendments are necessary to reflect changes in law, including changes made through court opinions and statutory and constitutional amendments, and report to the supreme court the needed rule revisions and suggested language for those revisions.

SECTION 10. As soon as possible after the effective date of this Act, but not later than December 31, 2013, the State Commission on Judicial Conduct shall:

(1) conduct an initial assessment of the operations of the commission and an initial review of the procedural rules as required by Section 33.039, Government Code, as added by this Act; and

(2) report to the Texas Supreme Court any needed rule revisions and suggested language for those revisions as required by that section.

SECTION 11. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.

(b) Subdivision (7), Subsection (a), Section 33.001, and Section 33.034, Government Code, as amended by this Act, take effect on the date the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, regarding the sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct takes effect. If that amendment is not approved by the voters, those sections have no effect.

**S.B. No. 223**

## AN ACT

relating to designation of certain vehicles of the Texas Division of Emergency Management as authorized emergency vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (1), Section 541.201, Transportation Code, is amended to read as follows:

(1) "Authorized emergency vehicle" means:

(A) a fire department or police vehicle;

(B) a public or private ambulance operated by a person who has been issued a license by the [Texas] Department of State Health Services;

(C) a municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;

(D) a vehicle that has been designated by the department under Section 546.0065;

(E) a private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;

(F) [~~F~~] an industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the predecessor of the Texas Industrial Emergency Services Board of the State Firemen's and Fire Marshals' Association of Texas;

(G) [~~F~~] a vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines, or organs; or

(H) [~~G~~] a vehicle used for law enforcement purposes that is owned or leased by a federal governmental entity.



SECTION 2. Subchapter A, Chapter 546, Transportation Code, is amended by adding Section 546.0065 to read as follows:

Sec. 546.0065. AUTHORIZED EMERGENCY VEHICLES OF THE TEXAS DIVISION OF EMERGENCY MANAGEMENT. The department shall designate vehicles of the Texas Division of Emergency Management that may be operated as authorized emergency vehicles.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 229**

AN ACT

relating to an exception to the domicile requirement for issuance of a commercial driver's license for certain military personnel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 522.022, Transportation Code, is amended to read as follows:

Sec. 522.022. LICENSE REQUIREMENTS. The department may not issue a commercial driver's license other than a nonresident license to a person unless the person:

(1) has a domicile;

(A) in this state; or

(B) in another state and is a member of the United States armed forces, including a member of the National Guard or a reserve or auxiliary unit of any branch of the armed forces, whose temporary or permanent duty station is located in this state;

(2) has passed knowledge and skills tests for driving a commercial motor vehicle that comply with minimal federal standards established by 49 C.F.R. Part 383, Subparts G and H; and

(3) has satisfied the requirements imposed by the federal act, federal regulation, or state law.

SECTION 2. This Act takes effect September 1, 2013.

**S.B. No. 260**

AN ACT

relating to the absence of a student from school to visit with a parent, stepparent, or guardian who will be or has been deployed on military duty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.087, Education Code, is amended by adding Subsection (b-4) and amending Subsection (d) to read as follows:

(b-4) A school district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services as defined by Section 162.002 and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A school district may not excuse a student under this subsection more than five days in a school year. An excused absence under this subsection must be taken:

(1) not earlier than the 60th day before the date of deployment; or

(2) not later than the 30th day after the date of return from deployment.

(d) A student whose absence is excused under Subsection (b), (b-2), (b-4), or (c) may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under Subsection (b), (b-2), (b-4), or (c) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote

necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 275**

AN ACT

relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 550.021, Transportation Code, is amended to read as follows:

(c) A person commits an offense if the person does not stop or does not comply with the requirements of this section. An offense under this section:

(1) involving an accident resulting in:

(A) death of a person is a felony of the second degree; or

(B) serious bodily injury, as defined by Section 1.07, Penal Code, to a person is a felony of the third degree; and

(2) involving an accident resulting in injury to which Subdivision (1) does not apply is punishable by:

(A) imprisonment in the Texas Department of Criminal Justice for not more than five years or confinement in the county jail for not more than one year;

(B) a fine not to exceed \$5,000; or

(C) both the fine and the imprisonment or confinement.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 299**

AN ACT

relating to the intentional display of a handgun by a person licensed to carry a concealed handgun.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (h), Section 46.035, Penal Code, are amended to read as follows:

(a) A license holder commits an offense if the license holder carries a handgun on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally displays [~~fails to conceal~~] the handgun in plain view of another person in a public place.

(h) It is a defense to prosecution under Subsection (a) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of force or deadly force under Chapter 9.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 344**

AN ACT

relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 11, Code of Criminal Procedure, is amended by adding Article 11.073 to read as follows:

Art. 11.073. PROCEDURE RELATED TO CERTAIN SCIENTIFIC EVIDENCE. (a) This article applies to relevant scientific evidence that:

(1) was not available to be offered by a convicted person at the convicted person's trial; or

(2) contradicts scientific evidence relied on by the state at trial.

- (b) A court may grant a convicted person relief on an application for a writ of habeas corpus if:
- (1) the convicted person files an application, in the manner provided by Article 11.07, 11.071, or 11.072, containing specific facts indicating that:
    - (A) relevant scientific evidence is currently available and was not available at the time of the convicted person's trial because the evidence was not ascertainable through the exercise of reasonable diligence by the convicted person before the date of or during the convicted person's trial; and
    - (B) the scientific evidence would be admissible under the Texas Rules of Evidence at a trial held on the date of the application; and
  - (2) the court makes the findings described by Subdivisions (1)(A) and (B) and also finds that, had the scientific evidence been presented at trial, on the preponderance of the evidence the person would not have been convicted.
- (c) For purposes of Section 4(a)(1), Article 11.07, Section 5(a)(1), Article 11.071, and Section 9(a), Article 11.072, a claim or issue could not have been presented previously in an original application or in a previously considered application if the claim or issue is based on relevant scientific evidence that was not ascertainable through the exercise of reasonable diligence by the convicted person on or before the date on which the original application or a previously considered application, as applicable, was filed.
- (d) In making a finding as to whether relevant scientific evidence was not ascertainable through the exercise of reasonable diligence on or before a specific date, the court shall consider whether the scientific knowledge or method on which the relevant scientific evidence is based has changed since:
- (1) the applicable trial date or dates, for a determination made with respect to an original application; or
  - (2) the date on which the original application or a previously considered application, as applicable, was filed, for a determination made with respect to a subsequent application.

SECTION 2. The change in law made by this Act applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application for a writ of habeas corpus filed before the effective date of this Act is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 367**

#### AN ACT

relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 18.17, Code of Criminal Procedure, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) Notwithstanding Subsection (a), (b), (c), or (d), if property described by Subsection (a), other than money, is seized by a peace officer at the time the owner of the property is arrested for an offense punishable as a Class C misdemeanor, the law enforcement agency may provide notice to the owner at the time the owner is taken into or released from custody. On receiving the notice, the owner must sign the notice and attach a thumbprint to the notice. The notice must include:

- (1) a description of the property being held;
- (2) the address where the property is being held; and
- (3) a statement that if the owner does not claim the property before the 31st day after the date the owner is released from custody, the property will be disposed of and the proceeds of the property, after deducting the reasonable expense of keeping and disposing of the property, will be placed in the treasury of the municipality or county providing the notice.

(d-2) If the property for which notice is provided under Subsection (d-1) is not claimed by the owner before the 31st day after the date the owner is released from custody, the law enforcement agency holding the property shall deliver the property for disposition to a person designated by the municipality or to the purchasing agent or sheriff of the county in which the property was seized, as applicable. The person designated by the municipality, the purchasing agent, or the sheriff may sell or donate the property without mailing or publishing an additional

notice as required by Subsection (b), (c), or (d). The sale proceeds, after deducting the reasonable expense of keeping and disposing of the property, must be deposited in the treasury of the municipality or county disposing of the property.

SECTION 2. Article 18.17, Code of Criminal Procedure, as amended by this Act, applies to personal property seized or taken into custody on or after the effective date of this Act. Personal property seized or taken into custody before the effective date of this Act is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 389**

AN ACT

relating to the imposition of court costs in certain criminal proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.608 to read as follows:

Sec. 51.608. IMPOSITION OF COURT COSTS IN CRIMINAL PROCEEDINGS. Notwithstanding any other law that establishes the amount of a court cost collected by the clerk of a district, county, or statutory county court from a defendant in a criminal proceeding based on the law in effect on the date the offense was committed, the amount of a court cost imposed on the defendant in a criminal proceeding must be the amount established under the law in effect on the date the defendant is convicted of the offense.

SECTION 2. Section 51.608, Government Code, as added by this Act, applies only to a defendant convicted of an offense on or after the effective date of this Act. A defendant convicted of an offense before the effective date of this Act is governed by the law in effect at the time of the conviction, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 390**

AN ACT

relating to the effective date of a new court cost or fee or of an amendment to the amount of a court cost or fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (d), Section 51.607, Government Code, is repealed.

SECTION 2. The change in law made by this Act applies only to a law imposing or changing the amount of a court cost or fee that takes effect on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 391**

AN ACT

relating to a defendant's obligation to pay a fine or court cost after the expiration of a period of community supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) A defendant's obligation to pay a fine or court cost as ordered by a judge exists independently of any requirement to pay the fine or court cost as a condition of the defendant's community supervision. A defendant remains obligated to pay any unpaid fine or court cost after the expiration of the defendant's period of

community supervision.

SECTION 2. This Act takes effect September 1, 2013.

**S.B. No. 392**

AN ACT

relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 402.010, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) In an action in which a party to the litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state, the party shall file the form required by Subsection (a-1). The court shall, if the attorney general is not a party to or counsel involved in the litigation, serve notice of the constitutional challenge [~~question~~] and a copy of the petition, motion, or other pleading that raises the challenge on the attorney general either by certified or registered mail or electronically to an e-mail address designated by the attorney general for the purposes of this section[~~. Notice under this section must identify the statute in question, state the basis for the challenge, and specify the petition, motion, or other pleading that raises the challenge.~~].

(a-1) The Office of Court Administration of the Texas Judicial System shall adopt the form that a party challenging the constitutionality of a statute of this state must file with the court in which the action is pending indicating which pleading should be served on the attorney general in accordance with this section.

SECTION 2. Section 402.010, Government Code, as amended by this Act, applies only to a petition, motion, or other pleading filed in litigation on or after the effective date of this Act. A pleading filed in litigation before the effective date of this Act is governed by the law applicable to the pleading immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 393**

AN ACT

relating to the criminal procedures related to children who commit certain Class C misdemeanors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 42.15, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsections (d), (e), and (f) to read as follows:

(b) Subject to Subsections [~~Subsection~~] (c) and (d), when imposing a fine and costs, a court may direct a defendant:

- (1) to pay the entire fine and costs when sentence is pronounced;
- (2) to pay the entire fine and costs at some later date; or
- (3) to pay a specified portion of the fine and costs at designated intervals.

(d) A judge may allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

- (1) performing community service or receiving tutoring under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011; or
- (2) paying the fine and costs in a manner described by Subsection (b).

(e) The election under Subsection (d) must be made in writing, signed by the defendant, and, if present, signed by the defendant's parent, guardian, or managing conservator. The court shall maintain the written election as a record of the court and provide a copy to the defendant.

(f) The requirement under Article 45.0492(a), as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, that an offense occur in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense does not apply to the performance of community service or the receipt of tutoring to discharge a fine or costs under Subsection (d)(1).

SECTION 2. Article 43.091, Code of Criminal Procedure, is amended to read as follows:

Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR INDIGENT DEFENDANTS AND



CHILDREN. A court may waive payment of a fine or cost imposed on a defendant who defaults in payment if the court determines that:

(1) the defendant is indigent or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) each alternative method of discharging the fine or cost under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

SECTION 3. Article 44.2811, Code of Criminal Procedure, is amended to read as follows:

Art. 44.2811. RECORDS RELATING TO CHILDREN CONVICTED OF OR RECEIVING DEFERRED DISPOSITION FOR FINE-ONLY MISDEMEANORS. (a) This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.

(b) All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an [a fine-only misdemeanor] offense described by Subsection (a) [other than a traffic offense] are confidential and may not be disclosed to the public except as provided under Article 45.0217(b). [All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child whose conviction for a fine-only misdemeanor other than a traffic offense is affirmed are confidential upon satisfaction of the judgment and may not be disclosed to the public except as provided under Article 45.0217(b).]

SECTION 4. Article 45.0217, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO THE CONVICTION OF OR DEFERRAL OF DISPOSITION FOR A CHILD. (a) This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.

(a-1) Except as provided by Article 15.27 and Subsection (b), all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an [a fine-only misdemeanor] offense described by Subsection (a) [other than a traffic offense] are confidential and may not be disclosed to the public.

(b) Information subject to Subsection (a-1) [(a)] may be open to inspection only by:

(1) judges or court staff;

(2) a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;

(3) the Department of Public Safety;

(4) an attorney for a party to the proceeding;

(5) the child defendant; or

(6) the defendant's parent, guardian, or managing conservator.

SECTION 5. Article 45.041, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsections (b-3), (b-4), and (b-5) to read as follows:

(b) Subject to Subsections [Subsection] (b-2) and (b-3), the justice or judge may direct the defendant:

(1) to pay:

(A) the entire fine and costs when sentence is pronounced;

(B) the entire fine and costs at some later date; or

(C) a specified portion of the fine and costs at designated intervals;

(2) if applicable, to make restitution to any victim of the offense; and

(3) to satisfy any other sanction authorized by law.

(b-3) A judge may allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

(1) performing community service or receiving tutoring under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011; or

(2) paying the fine and costs in a manner described by Subsection (b).

(b-4) The election under Subsection (b-3) must be made in writing, signed by the defendant, and, if present,

signed by the defendant's parent, guardian, or managing conservator. The court shall maintain the written election as a record of the court and provide a copy to the defendant.

(b-5) The requirement under Article 45.0492(a), as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, that an offense occur in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense does not apply to the performance of community service or the receipt of tutoring to discharge a fine or costs under Subsection (b-3) (1).

SECTION 6. Article 45.0491, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR INDIGENT DEFENDANTS AND CHILDREN. A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of a fine or costs imposed on a defendant who defaults in payment if the court determines that:

(1) the defendant is indigent or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine and costs under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

SECTION 7. Subsections (a) and (c), Article 45.056, Code of Criminal Procedure, are amended to read as follows:

(a) On approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or 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, with the consent of the juvenile and the juvenile's parents or guardians; or

(2) agree in accordance with Chapter 791, Government Code, to jointly employ a case manager.

(c) A county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the city council may employ one or more juvenile case managers who:

(1) shall [to] assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases; and

(2) may provide:

(A) prevention services to a child considered at-risk of entering the juvenile justice system; and

(B) intervention services to juveniles engaged in misconduct prior to cases being filed, excluding traffic offenses.

SECTION 8. Section 25.0915, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with Subsection (b).

SECTION 9. Subsection (b), Section 37.081, Education Code, is amended to read as follows:

(b) In a peace officer's jurisdiction, a peace officer commissioned under this section:

(1) has the powers, privileges, and immunities of peace officers;

(2) may enforce all laws, including municipal ordinances, county ordinances, and state laws; ~~[and]~~

(3) may, in accordance with Chapter 52, Family Code, take a juvenile into custody; and

(4) may dispose of cases in accordance with Section 52.03 or 52.031, Family Code.

SECTION 10. Subsection (d), Section 37.124, Education Code, is amended to read as follows:

(d) It is an exception to the application of Subsection (a) that, at the time the person engaged in conduct prohibited under that subsection, the person was younger than 12 years of age ~~[a student in the sixth grade or a lower grade level]~~.

SECTION 11. Subsection (c), Section 37.126, Education Code, is amended to read as follows:

(c) It is an exception to the application of Subsection (a)(1) that, at the time the person engaged in conduct prohibited under that subdivision, the person was younger than 12 years of age ~~[a student in the sixth grade or a lower grade level]~~.

SECTION 12. Chapter 37, Education Code, is amended by adding Subchapter E-1 to read as follows:

SUBCHAPTER E-1. CRIMINAL PROCEDURE

Sec. 37.141. DEFINITIONS. In this subchapter:

(1) "Child" has the meaning assigned by Article 45.058(h), Code of Criminal Procedure, except that the person must also be a student.

(2) "School offense" means an offense committed by a child enrolled in a public school that is a Class C misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a school district.

Sec. 37.142. CONFLICT OF LAW. To the extent of any conflict, this subchapter controls over any other law applied to a school offense alleged to have been committed by a child.

Sec. 37.143. CITATION PROHIBITED; CUSTODY OF CHILD. (a) A peace officer may not issue a citation to a child who is alleged to have committed a school offense.

(b) This subchapter does not prohibit a child from being taken into custody under Section 52.01, Family Code.

Sec. 37.144. GRADUATED SANCTIONS FOR CERTAIN SCHOOL OFFENSES. (a) A school district that commissions peace officers under Section 37.081 may develop a system of graduated sanctions that the school district may require to be imposed on a child before a complaint is filed under Section 37.145 against the child for a school offense that is an offense under Section 37.124 or 37.126 or under Section 42.01(a)(1), (2), (3), (4), or (5), Penal Code. A system adopted under this section must include multiple graduated sanctions. The system may require:

(1) a warning letter to be issued to the child and the child's parent or guardian that specifically states the child's alleged school offense and explains the consequences if the child engages in additional misconduct;

(2) a behavior contract with the child that must be signed by the child, the child's parent or guardian, and an employee of the school and that includes a specific description of the behavior that is required or prohibited for the child and the penalties for additional alleged school offenses, including additional disciplinary action or the filing of a complaint in a criminal court;

(3) the performance of school-based community service by the child; and

(4) the referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the child's behavioral problems.

(b) A referral made under Subsection (a)(4) may include participation by the child's parent or guardian if necessary.

Sec. 37.145. COMPLAINT. If a child fails to comply with or complete graduated sanctions under Section 37.144, or if the school district has not elected to adopt a system of graduated sanctions under that section, the school may file a complaint against the child with a criminal court in accordance with Section 37.146.

Sec. 37.146. REQUISITES OF COMPLAINT. (a) A complaint alleging the commission of a school offense must, in addition to the requirements imposed by Article 45.019, Code of Criminal Procedure:

(1) be sworn to by a person who has personal knowledge of the underlying facts giving rise to probable cause to believe that an offense has been committed; and

(2) be accompanied by a statement from a school employee stating:

(A) whether the child is eligible for or receives special services under Subchapter A, Chapter 29; and

(B) the graduated sanctions, if required under Section 37.144, that were imposed on the child before the complaint was filed.

(b) After a complaint has been filed under this subchapter, a summons may be issued under Articles 23.04 and 45.057(e), Code of Criminal Procedure.

Sec. 37.147. PROSECUTING ATTORNEYS. An attorney representing the state in a court with jurisdiction may adopt rules pertaining to the filing of a complaint under this subchapter that the state considers necessary in order to:

(1) determine whether there is probable cause to believe that the child committed the alleged offense;

(2) review the circumstances and allegations in the complaint for legal sufficiency; and

(3) see that justice is done.

SECTION 13. Section 51.08, Family Code, is amended by adding Subsection (f) to read as follows:

(f) A court shall waive original jurisdiction for a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only, other than a traffic offense, and refer the child to juvenile court if the court or another court has previously dismissed a complaint against the child under Section 8.08, Penal Code.

SECTION 14. The heading to Chapter 52, Family Code, is amended to read as follows:

CHAPTER 52. PROCEEDINGS BEFORE AND INCLUDING REFERRAL TO [JUVENILE] COURT

SECTION 15. Subsection (a), Section 52.03, Family Code, is amended to read as follows:

(a) A law-enforcement officer authorized by this title to take a child into custody may dispose of the case of a child taken into custody or accused of a Class C misdemeanor, other than a traffic offense, without referral to juvenile court or charging a child in a court of competent criminal jurisdiction, if:

(1) guidelines for such disposition have been adopted by the juvenile board of the county in which the disposition is made as required by Section 52.032;

(2) the disposition is authorized by the guidelines; and

(3) the officer makes a written report of the officer's disposition to the law-enforcement agency, identifying the child and specifying the grounds for believing that the taking into custody or accusation of criminal conduct was authorized.

SECTION 16. Subsections (a), (d), (f), (i), and (j), Section 52.031, Family Code, are amended to read as follows:

(a) A juvenile board may establish a first offender program under this section for the referral and disposition of children taken into custody, or accused prior to the filing of a criminal charge, of [for]:

(1) conduct indicating a need for supervision; [or]

(2) a Class C misdemeanor, other than a traffic offense; or

(3) delinquent conduct other than conduct that constitutes:

(A) a felony of the first, second, or third degree, an aggravated controlled substance felony, or a capital felony; or

(B) a state jail felony or misdemeanor involving violence to a person or the use or possession of a firearm, illegal knife, or club, as those terms are defined by Section 46.01, Penal Code, or a prohibited weapon, as described by Section 46.05, Penal Code.

(d) A law enforcement officer taking a child into custody or accusing a child of an offense described in Subsection (a)(2) may refer the child to the law enforcement officer or agency designated under Subsection (b) for disposition under the first offender program and not refer the child to juvenile court or a court of competent criminal jurisdiction only if:

(1) the child has not previously been adjudicated as having engaged in delinquent conduct;

(2) the referral complies with guidelines for disposition under Subsection (c); and

(3) the officer reports in writing the referral to the agency, identifying the child and specifying the grounds for taking the child into custody or accusing a child of an offense described in Subsection (a)(2).

(f) The parent, guardian, or other custodian of the child must receive notice that the child has been referred for disposition under the first offender program. The notice must:

(1) state the grounds for taking the child into custody or accusing a child of an offense described in Subsection (a)(2);

(2) identify the law enforcement officer or agency to which the child was referred;

(3) briefly describe the nature of the program; and

(4) state that the child's failure to complete the program will result in the child being referred to the juvenile court or a court of competent criminal jurisdiction.

(i) The case of a child who successfully completes the first offender program is closed and may not be referred to juvenile court or a court of competent criminal jurisdiction, unless the child is taken into custody under circumstances described by Subsection (j)(3).

(j) The case of a child referred for disposition under the first offender program shall be referred to juvenile court or a court of competent criminal jurisdiction if:

(1) the child fails to complete the program;

(2) the child or the parent, guardian, or other custodian of the child terminates the child's participation in the



program before the child completes it; or

(3) the child completes the program but is taken into custody under Section 52.01 before the 90th day after the date the child completes the program for conduct other than the conduct for which the child was referred to the first offender program.

SECTION 17. Section 8.07, Penal Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) Notwithstanding Subsection (a), a person may not be prosecuted for or convicted of an offense described by Subsection (a)(4) or (5) that the person committed when younger than 10 years of age.

(e) A person who is at least 10 years of age but younger than 15 years of age is presumed incapable of committing an offense described by Subsection (a)(4) or (5), other than an offense under a juvenile curfew ordinance or order. This presumption may be refuted if the prosecution proves to the court by a preponderance of the evidence that the actor had sufficient capacity to understand that the conduct engaged in was wrong at the time the conduct was engaged in. The prosecution is not required to prove that the actor at the time of engaging in the conduct knew that the act was a criminal offense or knew the legal consequences of the offense.

SECTION 18. Chapter 8, Penal Code, is amended by adding Section 8.08 to read as follows:

Sec. 8.08. CHILD WITH MENTAL ILLNESS, DISABILITY, OR LACK OF CAPACITY. (a) On motion by the state, the defendant, or a person standing in parental relation to the defendant, or on the court's own motion, a court with jurisdiction of an offense described by Section 8.07(a)(4) or (5) shall determine whether probable cause exists to believe that a child, including a child with a mental illness or developmental disability:

(1) lacks the capacity to understand the proceedings in criminal court or to assist in the child's own defense and is unfit to proceed; or

(2) lacks substantial capacity either to appreciate the wrongfulness of the child's own conduct or to conform the child's conduct to the requirement of the law.

(b) If the court determines that probable cause exists for a finding under Subsection (a), after providing notice to the state, the court may dismiss the complaint.

(c) A dismissal of a complaint under Subsection (b) may be appealed as provided by Article 44.01, Code of Criminal Procedure.

(d) In this section, "child" has the meaning assigned by Article 45.058(h), Code of Criminal Procedure.

SECTION 19. Subsection (f), Section 42.01, Penal Code, is amended to read as follows:

(f) Subsections (a)(1), (2), (3), (5), and (6) do not apply to a person who, at the time the person engaged in conduct prohibited under the applicable subdivision, was a student younger than 12 years of age [in the sixth-grade or a lower-grade level], and the prohibited conduct occurred at a public school campus during regular school hours.

SECTION 20. Except as provided by Sections 21 and 22 of this Act, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 21. (a) Articles 42.15 and 45.041, Code of Criminal Procedure, as amended by this Act, apply only to a sentencing proceeding that commences on or after the effective date of this Act.

(b) Articles 43.091 and 45.0491, Code of Criminal Procedure, as amended by this Act, apply to a sentencing proceeding that commences before, on, or after the effective date of this Act.

SECTION 22. Articles 44.2811 and 45.0217, Code of Criminal Procedure, as amended by this Act, apply to the disclosure of a record or file on or after the effective date of this Act regardless of whether the offense that is the subject of the record or file was committed before, on, or after the effective date of this Act.

SECTION 23. This Act takes effect September 1, 2013.

**S.B. No. 394**

AN ACT

relating to restricting access to records of children convicted of or receiving deferred disposition for certain fine-only misdemeanors.



BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 44.2811, Code of Criminal Procedure, is amended to read as follows:

Art. 44.2811. RECORDS RELATING TO CHILDREN CONVICTED OF OR RECEIVING DEFERRED DISPOSITION FOR FINE-ONLY MISDEMEANORS. (a) This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.

(b) All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an [a fine-only misdemeanor] offense described by Subsection (a) [other than a traffic offense] are confidential and may not be disclosed to the public except as provided under Article 45.0217(b). [~~All records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child whose conviction for a fine-only misdemeanor other than a traffic offense is affirmed are confidential upon satisfaction of the judgment and may not be disclosed to the public except as provided under Article 45.0217(b).~~]

SECTION 2. Article 45.0217, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0217. CONFIDENTIAL RECORDS RELATED TO THE CONVICTION OF OR DEFERRAL OF DISPOSITION FOR A CHILD. (a) This article applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.

(a-1) Except as provided by Article 15.27 and Subsection (b), all records and files, including those held by law enforcement, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an [a fine-only misdemeanor] offense described by Subsection (a) [other than a traffic offense] are confidential and may not be disclosed to the public.

(b) Information subject to Subsection (a-1) [~~(a)~~] may be open to inspection only by:

- (1) judges or court staff;
- (2) a criminal justice agency for a criminal justice purpose, as those terms are defined by Section 411.082, Government Code;
- (3) the Department of Public Safety;
- (4) an attorney for a party to the proceeding;
- (5) the child defendant; or
- (6) the defendant's parent, guardian, or managing conservator.

SECTION 3. Section 58.00711, Family Code, is amended to read as follows:

Sec. 58.00711. RECORDS RELATING TO CHILDREN CONVICTED OF OR RECEIVING DEFERRED DISPOSITION FOR FINE-ONLY MISDEMEANORS. (a) This section applies only to a misdemeanor offense punishable by fine only, other than a traffic offense.

(b) Except as provided by Article 45.0217(b), Code of Criminal Procedure, all records and files and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of and has satisfied the judgment for or who has received a dismissal after deferral of disposition for an [a fine-only misdemeanor] offense described by Subsection (a) [other than a traffic offense] are confidential and may not be disclosed to the public.

SECTION 4. Articles 44.2811 and 45.0217, Code of Criminal Procedure, and Section 58.00711, Family Code, as amended by this Act, apply to the disclosure of a record or file on or after the effective date of this Act regardless of whether the offense that is the subject of the record or file was committed before, on, or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2013.

**S.B. No. 395**

AN ACT

relating to fines and court costs imposed on a child in a criminal case.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 42.15, Code of Criminal Procedure, is amended by amending Subsection (b) and adding

Subsections (d), (e), and (f) to read as follows:

(b) Subject to Subsections [~~Subsection~~] (c) and (d), when imposing a fine and costs, a court may direct a defendant:

- (1) to pay the entire fine and costs when sentence is pronounced;
- (2) to pay the entire fine and costs at some later date; or
- (3) to pay a specified portion of the fine and costs at designated intervals.

(d) A judge may allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

- (1) performing community service or receiving tutoring under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011; or
- (2) paying the fine and costs in a manner described by Subsection (b).

(e) The election under Subsection (d) must be made in writing, signed by the defendant, and, if present, signed by the defendant's parent, guardian, or managing conservator. The court shall maintain the written election as a record of the court and provide a copy to the defendant.

(f) The requirement under Article 45.0492(a), as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, that an offense occur in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense does not apply to the performance of community service or the receipt of tutoring to discharge a fine or costs under Subsection (d)(1).

SECTION 2. Article 43.091, Code of Criminal Procedure, is amended to read as follows:

Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR INDIGENT DEFENDANTS AND CHILDREN. A court may waive payment of a fine or cost imposed on a defendant who defaults in payment if the court determines that:

- (1) the defendant is indigent or was, at the time the offense was committed, a child as defined by Article 45.058(h); and
- (2) each alternative method of discharging the fine or cost under Article 43.09 or 42.15 would impose an undue hardship on the defendant.

SECTION 3. Article 45.041, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsections (b-3), (b-4), and (b-5) to read as follows:

(b) Subject to Subsections [~~Subsection~~] (b-2) and (b-3), the justice or judge may direct the defendant:

- (1) to pay:
  - (A) the entire fine and costs when sentence is pronounced;
  - (B) the entire fine and costs at some later date; or
  - (C) a specified portion of the fine and costs at designated intervals;
- (2) if applicable, to make restitution to any victim of the offense; and
- (3) to satisfy any other sanction authorized by law.

(b-3) A judge may allow a defendant who is a child, as defined by Article 45.058(h), to elect at the time of conviction, as defined by Section 133.101, Local Government Code, to discharge the fine and costs by:

- (1) performing community service or receiving tutoring under Article 45.0492, as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011; or
- (2) paying the fine and costs in a manner described by Subsection (b).

(b-4) The election under Subsection (b-3) must be made in writing, signed by the defendant, and, if present, signed by the defendant's parent, guardian, or managing conservator. The court shall maintain the written election as a record of the court and provide a copy to the defendant.

(b-5) The requirement under Article 45.0492(a), as added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature, Regular Session, 2011, that an offense occur in a building or on the grounds of the primary or secondary school at which the defendant was enrolled at the time of the offense does not apply to the performance of community service or the receipt of tutoring to discharge a fine or costs under Subsection (b-3) (1).

SECTION 4. Article 45.0491, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR INDIGENT DEFENDANTS AND

CHILDREN. A municipal court, regardless of whether the court is a court of record, or a justice court may waive payment of a fine or costs imposed on a defendant who defaults in payment if the court determines that: (1) the defendant is indigent or was, at the time the offense was committed, a child as defined by Article 45.058(h); and

(2) discharging the fine and costs under Article 45.049 or as otherwise authorized by this chapter would impose an undue hardship on the defendant.

SECTION 5. (a) Articles 42.15 and 45.041, Code of Criminal Procedure, as amended by this Act, apply only to a sentencing proceeding that commences on or after the effective date of this Act.

(b) Articles 43.091 and 45.0491, Code of Criminal Procedure, as amended by this Act, apply to a sentencing proceeding that commences before, on, or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2013.

**S.B. No. 458**

#### AN ACT

relating to certain motor vehicle records excepted from disclosure under the Public Information Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 552.130, Government Code, is amended to read as follows:

(c) Subject to Chapter 730, Transportation Code, a governmental body may redact information described by Subsection (a) [Subsections (a)(1) and (3)] from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

SECTION 2. The changes in law made by this Act apply only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 462**

#### AN ACT

relating to specialty court programs in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

#### ARTICLE 1. SPECIALTY COURT PROGRAMS

SECTION 1.01. Title 2, Government Code, is amended by adding Subtitle K to read as follows:

#### SUBTITLE K. SPECIALTY COURTS

#### CHAPTER 121. GENERAL PROVISIONS

Sec. 121.001. DEFINITION. In this subtitle, "specialty court" means a court established under this subtitle or former law.

Sec. 121.002. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of specialty court programs.

(b) For the purpose of determining the eligibility of a specialty court program to receive state or federal grant funds administered by a state agency, the governor or a legislative committee to which duties are assigned under Subsection (a) may request the state auditor to perform a management, operations, or financial or accounting audit of the program.

(c) Notwithstanding any other law, a specialty court program may not operate until the judge, magistrate, or coordinator:

(1) provides to the criminal justice division of the governor's office:

(A) written notice of the program;

(B) any resolution or other official declaration under which the program was established; and

(C) a copy of the applicable community justice plan that incorporates duties related to supervision that will be required under the program; and

(2) receives from the division written verification of the program's compliance with Subdivision (1).

(d) A specialty court program shall:

(1) comply with all programmatic best practices recommended by the Specialty Courts Advisory Council under Section 772.0061(b)(2) and approved by the Texas Judicial Council; and

(2) report to the criminal justice division any information required by the division regarding the performance of the program.

(e) A specialty court program that fails to comply with Subsections (c) and (d) is not eligible to receive any state or federal grant funds administered by any state agency.

SECTION 1.02. Subchapter J, Chapter 264, Family Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 122, Government Code, and amended to read as follows:

CHAPTER 122 [SUBCHAPTER J]. FAMILY DRUG COURT PROGRAM

Sec. 122.001 [264.801]. FAMILY DRUG COURT PROGRAM DEFINED. In this chapter [subchapter], "family drug court program" means a program that has the following essential characteristics:

(1) the integration of substance abuse treatment services in the processing of civil cases in the child welfare system with the goal of family reunification;

(2) the use of a comprehensive case management approach involving Department of Family and Protective Services [department] caseworkers, court-appointed case managers, and court-appointed special advocates to rehabilitate a parent who has had a child removed from the parent's care by the department because of suspected child abuse or neglect and who is suspected of substance abuse;

(3) early identification and prompt placement of eligible parents who volunteer to participate in the program;

(4) comprehensive substance abuse needs assessment and referral to an appropriate substance abuse treatment agency;

(5) a progressive treatment approach with specific requirements that a parent must meet to advance to the next phase of the program;

(6) monitoring of abstinence through periodic alcohol or other drug testing;

(7) ongoing judicial interaction with program participants;

(8) monitoring and evaluation of program goals and effectiveness;

(9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and

(10) development of partnerships with public agencies and community organizations.

Sec. 122.002 [264.802]. AUTHORITY TO ESTABLISH PROGRAM. The commissioners court of a county may establish a family drug court program for persons who:

(1) have had a child removed from their care by the Department of Family and Protective Services [department]; and

(2) are suspected by the Department of Family and Protective Services [department] or a court of having a substance abuse problem.

~~[Sec. 264.803. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of family drug court programs established under this subchapter.~~

~~[(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a family drug court program established under this subchapter.]~~

Sec. 122.003 [264.804]. PARTICIPANT PAYMENT FOR TREATMENT AND SERVICES. A family drug court program may require a participant to pay the cost of all treatment and services received while participating in the program, based on the participant's ability to pay.

Sec. 122.004 [264.805]. FUNDING. A county creating a family drug court under this chapter shall explore the possibility of using court improvement project funds to finance the family drug court in the county. The county shall also explore the availability of federal and state matching funds to finance the court.

SECTION 1.03. Subsection (a), Section 76.011, Government Code, is amended to read as follows:

(a) The department may operate programs for:

(1) the supervision and rehabilitation of persons in pretrial intervention programs;



(2) the supervision of persons released on bail under:

- (A) Chapter 11, Code of Criminal Procedure;
- (B) Chapter 17, Code of Criminal Procedure;
- (C) Article 44.04, Code of Criminal Procedure; or
- (D) any other law;

(3) the supervision of a person subject to, or the verification of compliance with, a court order issued under:

- (A) Article 17.441, Code of Criminal Procedure, requiring a person to install a deep-lung breath analysis mechanism on each vehicle owned or operated by the person;
  - (B) Chapter 123 of this code or former law [~~469, Health and Safety Code~~], issuing an occupational driver's license;
  - (C) Section 49.09(h), Penal Code, requiring a person to install a deep-lung breath analysis mechanism on each vehicle owned or operated by the person; or
  - (D) Subchapter L, Chapter 521, Transportation Code, granting a person an occupational driver's license; and
- (4) the supervision of a person not otherwise described by Subdivision (1), (2), or (3), if a court orders the person to submit to the supervision of, or to receive services from, the department.

SECTION 1.04. Chapter 469, Health and Safety Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 123, Government Code, and amended to read as follows:

CHAPTER 123 [~~469~~]. DRUG COURT PROGRAMS

Sec. 123.001 [~~469.001~~]. DRUG COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN

DEFENDANTS. (a) In this chapter, "drug court program" means a program that has the following essential characteristics:

- (1) the integration of alcohol and other drug treatment services in the processing of cases in the judicial system;
- (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to a continuum of alcohol, drug, and other related treatment and rehabilitative services;
- (5) monitoring of abstinence through weekly alcohol and other drug testing;
- (6) a coordinated strategy to govern program responses to participants' compliance;
- (7) ongoing judicial interaction with program participants;
- (8) monitoring and evaluation of program goals and effectiveness;
- (9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (10) development of partnerships with public agencies and community organizations.

(b) If a defendant successfully completes a drug court program, regardless of whether the defendant was convicted of the offense for which the defendant entered the program or whether the court deferred further proceedings without entering an adjudication of guilt, after notice to the state and a hearing on whether the defendant is otherwise entitled to the petition and whether issuance of the order is in the best interest of justice, the court shall enter an order of nondisclosure under Section 411.081[~~, Government Code,~~] as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, Code of Criminal Procedure, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program if the defendant:

- (1) has not been previously convicted of an [a felony] offense listed in Section 3g, Article 42.12, Code of Criminal Procedure, or a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure; and
- (2) is not convicted for any [other] felony offense between the date on which the defendant successfully completed the program and [before] the second anniversary of that date [the defendant's successful completion of the program].

(c) Notwithstanding Subsection (b), a defendant is not entitled to petition the court for an order of nondisclosure following successful completion of a drug court program if the defendant's entry into the program arose as the result of a conviction for an offense involving the operation of a motor vehicle while intoxicated.



Sec. 123.002 [~~469.002~~]. AUTHORITY TO ESTABLISH PROGRAM. The commissioners court of a county or governing body of a municipality may establish the following types of drug court programs:

(1) drug courts for persons arrested for, charged with, or convicted of:

(A) an offense in which an element of the offense is the use or possession of alcohol or the use, possession, or sale of a controlled substance, a controlled substance analogue, or marihuana; or

(B) an offense in which the use of alcohol or a controlled substance is suspected to have significantly contributed to the commission of the offense and the offense did not involve:

(i) carrying, possessing, or using a firearm or other dangerous weapon;

(ii) the use of force against the person of another; or

(iii) the death of or serious bodily injury to another;

(2) drug courts for juveniles detained for, taken into custody for, or adjudicated as having engaged in:

(A) delinquent conduct, including habitual felony conduct, or conduct indicating a need for supervision in which an element of the conduct is the use or possession of alcohol or the use, possession, or sale of a controlled substance, a controlled substance analogue, or marihuana; or

(B) delinquent conduct, including habitual felony conduct, or conduct indicating a need for supervision in which the use of alcohol or a controlled substance is suspected to have significantly contributed to the commission of the conduct and the conduct did not involve:

(i) carrying, possessing, or using a firearm or other dangerous weapon;

(ii) the use of force against the person of another; or

(iii) the death of or serious bodily injury to another;

(3) reentry drug courts for persons with a demonstrated history of using alcohol or a controlled substance who may benefit from a program designed to facilitate the person's transition and reintegration into the community on release from a state or local correctional facility;

(4) family dependency drug treatment courts for family members involved in a suit affecting the parent-child relationship in which a parent's use of alcohol or a controlled substance is a primary consideration in the outcome of the suit; or

(5) programs for other persons not precisely described by Subdivisions (1)-(4) who may benefit from a program that has the essential characteristics described by Section 123.001 [~~469.001~~].

Sec. 123.003 [~~469.0025~~]. ESTABLISHMENT OF REGIONAL PROGRAM. (a) The commissioners courts of two or more counties, or the governing bodies of two or more municipalities, may elect to establish a regional drug court program under this chapter for the participating counties or municipalities.

(b) For purposes of this chapter, each county or municipality that elects to establish a regional drug court program under this section is considered to have established the program and is entitled to retain fees under Article 102.0178, Code of Criminal Procedure, in the same manner as if the county or municipality had established a drug court program without participating in a regional program.

~~[Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of drug court programs established under this chapter.~~

~~[(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a drug court program established under this chapter.~~

~~[(c) A drug court program established under this chapter shall:~~

~~[(1) notify the criminal justice division of the governor's office before or on implementation of the program; and~~

~~[(2) provide information regarding the performance of the program to the division on request.]~~

Sec. 123.004 [~~469.004~~]. FEES. (a) A drug court program established under this chapter may collect from a participant in the program:

(1) a reasonable program fee not to exceed \$1,000; and

(2) an alcohol or controlled substance testing, counseling, and treatment fee in an amount necessary to cover the costs of the testing, counseling, and treatment.

(b) Fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator [~~program director administering the program~~]. The fees must

be:

- (1) based on the participant's ability to pay; and
- (2) used only for purposes specific to the program.

Sec. 123.005 [~~469.005~~]. DRUG COURT PROGRAMS EXCLUSIVELY FOR CERTAIN INTOXICATION OFFENSES. (a) The commissioners court of a county may establish under this chapter a drug court program exclusively for persons arrested for, charged with, or convicted of an offense involving the operation of a motor vehicle while intoxicated.

(b) A county that establishes a drug court program under this chapter but does not establish a separate program under this section must employ procedures designed to ensure that a person arrested for, charged with, or convicted of a second or subsequent offense involving the operation of a motor vehicle while intoxicated participates in the county's existing drug court program.

Sec. 123.006 [~~469.006~~]. PROGRAM IN CERTAIN COUNTIES MANDATORY. (a) The commissioners court of a county with a population of more than 200,000 shall:

- (1) establish a drug court program under [~~Subdivision (1) of~~] Section 123.002(1); and
- (2) direct the judge, magistrate, or coordinator to comply with Section 121.002(c)(1) [~~469.002~~].

(b) A county required under this section to establish a drug court program shall apply for federal and state funds available to pay the costs of the program. The criminal justice division of the governor's office may assist a county in applying for federal funds as required by this subsection.

(c) Notwithstanding Subsection (a), a county is required to establish a drug court program under this section only if:

(1) the county receives federal or state funding, including funding under Article 102.0178, Code of Criminal Procedure, specifically for that purpose; and

(2) the judge, magistrate, or coordinator receives the verification described by Section 121.002(c)(2).

(d) A county that does not establish a drug court program as required by this section and maintain the program is ineligible to receive from the state:

- (1) funds for a community supervision and corrections department; and
- (2) grants for substance abuse treatment programs administered by the criminal justice division of the governor's office.

Sec. 123.007 [~~469.007~~]. USE OF OTHER DRUG AND ALCOHOL AWARENESS PROGRAMS. In addition to using a drug court program established under this chapter, the commissioners court of a county or a court may use other drug awareness or drug and alcohol driving awareness programs to treat persons convicted of drug or alcohol related offenses.

Sec. 123.008 [~~469.008~~]. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE REQUIREMENT. (a) Notwithstanding Sections 13 and 16, Article 42.12, Code of Criminal Procedure, to encourage participation in a drug court program established under this chapter, the judge or magistrate administering the program may suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project or projects.

(b) On a participant's successful completion of a drug court program, a judge or magistrate may excuse the participant from any condition of community supervision previously suspended under Subsection (a).

Sec. 123.009 [~~469.009~~]. OCCUPATIONAL DRIVER'S LICENSE. Notwithstanding Section 521.242, Transportation Code, if a participant's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact, as defined by Section 524.001, Transportation Code, or as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, the judge or magistrate administering a drug court program under this chapter may order that an occupational license be issued to the participant. An order issued under this section is subject to Sections 521.248-521.252, Transportation Code, except that any reference to a petition under Section 521.242 of that code does not apply.

SECTION 1.05. Chapter 617, Health and Safety Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 124, Government Code, and amended to read as follows:

CHAPTER 124 [~~617~~]. VETERANS COURT PROGRAM

Sec. 124.001 [~~617.001~~]. VETERANS COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN

DEFENDANTS. (a) In this chapter, “veterans court program” means a program that has the following essential characteristics:

- (1) the integration of services in the processing of cases in the judicial system;
- (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;
- (5) careful monitoring of treatment and services provided to program participants;
- (6) a coordinated strategy to govern program responses to participants’ compliance;
- (7) ongoing judicial interaction with program participants;
- (8) monitoring and evaluation of program goals and effectiveness;
- (9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (10) development of partnerships with public agencies and community organizations, including the United States Department of Veterans Affairs.

(b) If a defendant successfully completes a veterans court program[;] as authorized under Section 76.011, [Government Code,] after notice to the attorney representing the state and a hearing in the veterans court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the criminal action against the defendant.

Sec. 124.002 [617.002]. **AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY.** (a) The commissioners court of a county may establish a veterans court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans court program established under this chapter only if the attorney representing the state consents to the defendant’s participation in the program and if the court in which the criminal case is pending finds that the defendant:

- (1) is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard; and
- (2) suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, that:
  - (A) resulted from the defendant’s military service in a combat zone or other similar hazardous duty area; and
  - (B) materially affected the defendant’s criminal conduct at issue in the case.

(b) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to proceed through the veterans court program or otherwise through the criminal justice system.

(c) Proof of matters described by Subsection (a) may be submitted to the court in which the criminal case is pending in any form the court determines to be appropriate, including military service and medical records, previous determinations of a disability by a veteran’s organization or by the United States Department of Veterans Affairs, testimony or affidavits of other veterans or service members, and prior determinations of eligibility for benefits by any state or county veterans office. The court’s findings must accompany any docketed case.

Sec. 124.003 [617.003]. **DUTIES OF VETERANS COURT.** (a) A veterans court program established under this chapter must:

- (1) ensure a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;
- (2) allow a participant to withdraw from the program at any time before a trial on the merits has been initiated;
- (3) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and
- (4) ensure that the jurisdiction of the veterans court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(b) A veterans court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the county or counties in which those defendants reside.

(c) This chapter does not prevent the initiation of procedures under Chapter 46B, Code of Criminal Procedure. Sec. 124.004 [~~617.004~~]. ESTABLISHMENT OF REGIONAL PROGRAM. (a) The commissioners courts of two or more counties may elect to establish a regional veterans court program under this chapter for the participating counties.

(b) For purposes of this chapter, each county that elects to establish a regional veterans court program under this section is considered to have established the program and is entitled to retain fees under Article 102.0178, Code of Criminal Procedure, in the same manner as if the county had established a veterans court program without participating in a regional program.

~~[Sec. 617.005. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of veterans court programs established under this chapter.~~

~~[(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a veterans court program established under this chapter.~~

~~[(c) A veterans court program established under this chapter shall:~~

~~[(1) notify the criminal justice division of the governor's office before or on implementation of the program; and  
[(2) provide information regarding the performance of the program to that division on request.]~~

Sec. 124.005 [~~617.006~~]. FEES. (a) A veterans court program established under this chapter may collect from a participant in the program:

(1) a reasonable program fee not to exceed \$1,000; and

(2) a testing, counseling, and treatment fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

(b) Fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or coordinator [~~program director administering the program~~]. The fees must be:

(1) based on the participant's ability to pay; and

(2) used only for purposes specific to the program.

SECTION 1.06. Chapter 616, Health and Safety Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 125, Government Code, and amended to read as follows:

CHAPTER 125 [~~616~~]. MENTAL HEALTH COURT PROGRAMS

Sec. 125.001 [~~616.001~~]. MENTAL HEALTH COURT PROGRAM DEFINED. In this chapter, "mental health court program" means a program that has the following essential characteristics:

(1) the integration of mental illness treatment services and mental retardation services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;

(3) early identification and prompt placement of eligible participants in the program;

(4) access to mental illness treatment services and mental retardation services;

(5) ongoing judicial interaction with program participants;

(6) diversion of potentially mentally ill or mentally retarded defendants to needed services as an alternative to subjecting those defendants to the criminal justice system;

(7) monitoring and evaluation of program goals and effectiveness;

(8) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and

(9) development of partnerships with public agencies and community organizations, including local mental retardation authorities.

Sec. 125.002 [~~616.002~~]. AUTHORITY TO ESTABLISH PROGRAM. The commissioners court of a county may establish a mental health court program for persons who:

(1) have been arrested for or charged with a misdemeanor or felony; and

(2) are suspected by a law enforcement agency or a court of having a mental illness or mental retardation.

Sec. 125.003 [~~616.003~~]. PROGRAM. (a) A mental health court program established under Section 125.002



[616.002]:

(1) may handle all issues arising under Articles 16.22 and 17.032, Code of Criminal Procedure, and Chapter 46B, Code of Criminal Procedure; and

(2) must:

(A) ensure a person eligible for the program is provided legal counsel before volunteering to proceed through the mental health court program and while participating in the program;

(B) allow a person, if eligible for the program, to choose whether to proceed through the mental health court program or proceed through the regular criminal justice system;

(C) allow a participant to withdraw from the mental health court program at any time before a trial on the merits has been initiated;

(D) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and

(E) ensure that the jurisdiction of the mental health court extends at least six months but does not extend beyond the probationary period for the offense charged if the probationary period is longer than six months.

(b) The issues shall be handled by a magistrate, as designated by Article 2.09, Code of Criminal Procedure, who is part of a mental health court program established under Section 125.002 [616.002].

~~[Sec. 616.004. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of mental health court programs established under Section 616.002.~~

~~[(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a mental health court program established under Section 616.002.]~~

Sec. 125.004 [616.005]. PARTICIPANT PAYMENT FOR TREATMENT AND SERVICES. A mental health court program may require a participant to pay the cost of all treatment and services received while participating in the program, based on the participant's ability to pay.

SECTION 1.07. Subsection (b), Section 509.007, Government Code, is amended to read as follows:

(b) A community justice plan required under this section must include:

(1) a statement of goals and priorities and of commitment by the community justice council, the judges described by Section 76.002 who established the department, and the department director to achieve a targeted level of alternative sanctions;

(2) a description of methods for measuring the success of programs provided by the department or provided by an entity served by the department;

(3) a proposal for the use of state jail felony facilities and, at the discretion of the community justice council, a regional proposal for the construction, operation, maintenance, or management of a state jail felony facility by a county, a community supervision and corrections department, or a private vendor under a contract with a county or a community supervision and corrections department;

(4) a description of the programs and services the department provides or intends to provide, including a separate description of:

(A) any services the department intends to provide in relation to a specialty court program; and

(B) any programs or other services the department intends to provide to enhance public safety, reduce recidivism, strengthen the investigation and prosecution of criminal offenses, improve programs and services available to victims of crime, and increase the amount of restitution collected from persons supervised by the department; and

(5) an outline of the department's projected programmatic and budgetary needs, based on the programs and services the department both provides and intends to provide.

SECTION 1.08. Subdivision (2), Subsection (a), Section 772.0061, Government Code, is amended to read as follows:

(2) "Specialty court" means:

(A) a family drug court program established under Chapter 122 or former law;

(B) a drug court program established under Chapter 123 or former law [469, Health and Safety Code];

(C) a veterans court program established under Chapter 124 or former law; and



~~(D) [(B)] a mental health court program established under Chapter 125 or former law [616, Health and Safety Code]; and~~

~~[(C) a veterans court program established under Chapter 617, Health and Safety Code].~~

SECTION 1.09. Section 772.0061, Government Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection (j) to read as follows:

(b) The governor shall establish the Specialty Courts Advisory Council within the criminal justice division established under Section 772.006 to:

(1) evaluate applications for grant funding for specialty courts in this state and to make funding recommendations to the criminal justice division; and

(2) make recommendations to the criminal justice division regarding best practices for specialty courts established under Chapter 122, 123, 124, or 125 or former law.

(c) The council is composed of nine ~~[seven]~~ members appointed by the governor as follows:

(1) one member with experience as the judge of a specialty court described by Subsection (a)(2)(A);

(2) one member with experience as the judge of a specialty court described by Subsection (a)(2)(B);

(3) one member with experience as the judge of a specialty court described by Subsection (a)(2)(C);

(4) one member with experience as the judge of a specialty court described by Subsection (a)(2)(D) [three members with experience as judges of a specialty court]; and

(5) five [(2) four] members who represent the public.

(d) The members appointed under Subsection ~~(c)(5)~~ [(e)(2)] must:

(1) reside in various geographic regions of the state; and

(2) have experience practicing law in a specialty court or possess knowledge and expertise in a field relating to behavioral or mental health issues or to substance abuse treatment.

(e) Members are appointed for staggered six-year terms, ~~with the~~ [The] terms of ~~[either two or]~~ three members ~~expiring~~ [, as applicable, expire] February 1 of each odd-numbered year.

(j) A member of the council may not receive compensation for service on the council. The member may receive reimbursement from the criminal justice division for actual and necessary expenses incurred in performing council functions as provided by Section 2110.004.

## ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Subsection (b), Section 18, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(b) If a judge requires as a condition of community supervision or participation in a drug court program established under Chapter 123, Government ~~[469, Health and Safety]~~ Code, or former law that the defendant serve a term in a community corrections facility, the term may not be more than 24 months.

SECTION 2.02. Subsection (f), Article 59.062, Code of Criminal Procedure, is amended to read as follows:

(f) A civil penalty collected under this article shall be deposited to the credit of the drug court account in the general revenue fund to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government ~~[469, Health and Safety]~~ Code, or former law.

SECTION 2.03. Subsection (g), Section 102.0178, Code of Criminal Procedure, is amended to read as follows:

(g) The comptroller shall deposit the funds received under this article to the credit of the drug court account in the general revenue fund to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government ~~[469, Health and Safety]~~ Code, or former law. The legislature shall appropriate money from the account solely to the criminal justice division of the governor's office for distribution to drug court programs that apply for the money.

SECTION 2.04. Subsection (c-1), Section 58.003, Family Code, is amended to read as follows:

(c-1) Notwithstanding Subsections (a) and (c) and subject to Subsection (b), a juvenile court may order the sealing of records concerning a child adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision that violated a penal law of the grade of misdemeanor or felony if the child successfully completed a drug court program under Chapter 123, Government ~~[469, Health and Safety]~~ Code, or former law. The court may:

(1) order the sealing of the records immediately and without a hearing; or

(2) hold a hearing to determine whether to seal the records.

SECTION 2.05. Section 54.1801, Government Code, is amended to read as follows:

Sec. 54.1801. DEFINITION. In this subchapter, “drug court” or “drug court program” has the meaning assigned by Section 123.001 [~~469.001, Health and Safety Code~~].

SECTION 2.06. Subchapter C, Chapter 71, Government Code, is amended by adding Section 71.037 to read as follows:

Sec. 71.037. SPECIALTY COURT BEST PRACTICES. The council shall review and as appropriate approve recommendations made by the Specialty Courts Advisory Council under Section 772.0061(b)(2).

SECTION 2.07. Subsection (d), Section 76.017, Government Code, is amended to read as follows:

(d) After a person is screened and evaluated, a representative of the department shall meet with the participating criminal justice and treatment agencies to review the person’s case and to determine if the person should be referred for treatment. If a person is considered appropriate for referral, the person may be referred to community-based treatment in accordance with applicable law or any other treatment program deemed appropriate. A magistrate may order a person to participate in a treatment program recommended under this section, including treatment in a drug court program established under Chapter 123 or former law [~~469, Health and Safety Code~~], as a condition of bond or condition of pretrial release.

SECTION 2.08. Section 102.021, Government Code, is amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

- (1) court cost on conviction of any offense, other than a conviction of an offense relating to a pedestrian or the parking of a motor vehicle (Art. 102.0045, Code of Criminal Procedure) . . . \$4;
- (2) a fee for services of prosecutor (Art. 102.008, Code of Criminal Procedure) . . . \$25;
- (3) fees for services of peace officer:
  - (A) issuing a written notice to appear in court for certain violations (Art. 102.011, Code of Criminal Procedure) . . . \$5;
  - (B) executing or processing an issued arrest warrant, capias, or capias pro fine (Art. 102.011, Code of Criminal Procedure) . . . \$50;
  - (C) summoning a witness (Art. 102.011, Code of Criminal Procedure) . . . \$5;
  - (D) serving a writ not otherwise listed (Art. 102.011, Code of Criminal Procedure) . . . \$35;
  - (E) taking and approving a bond and, if necessary, returning the bond to courthouse (Art. 102.011, Code of Criminal Procedure) . . . \$10;
  - (F) commitment or release (Art. 102.011, Code of Criminal Procedure) . . . \$5;
  - (G) summoning a jury (Art. 102.011, Code of Criminal Procedure) . . . \$5;
  - (H) attendance of a prisoner in habeas corpus case if prisoner has been remanded to custody or held to bail (Art. 102.011, Code of Criminal Procedure) . . . \$8 each day;
  - (I) mileage for certain services performed (Art. 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
  - (J) services of a sheriff or constable who serves process and attends examining trial in certain cases (Art. 102.011, Code of Criminal Procedure) . . . not to exceed \$5;
- (4) services of a peace officer in conveying a witness outside the county (Art. 102.011, Code of Criminal Procedure) . . . \$10 per day or part of a day, plus actual necessary travel expenses;
- (5) overtime of peace officer for time spent testifying in the trial or traveling to or from testifying in the trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
- (6) court costs on an offense relating to rules of the road, when offense occurs within a school crossing zone (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- (7) court costs on an offense of passing a school bus (Art. 102.014, Code of Criminal Procedure) . . . \$25;
- (8) court costs on an offense of truancy or contributing to truancy (Art. 102.014, Code of Criminal Procedure) . . . \$20;
- (9) cost for visual recording of intoxication arrest before conviction (Art. 102.018, Code of Criminal Procedure) . . . \$15;
- (10) cost of certain evaluations (Art. 102.018, Code of Criminal Procedure) . . . actual cost;

- (11) additional costs attendant to certain intoxication convictions under Chapter 49, Penal Code, for emergency medical services, trauma facilities, and trauma care systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;
- (12) additional costs attendant to certain child sexual assault and related convictions, for child abuse prevention programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;
- (13) court cost for DNA testing for certain felonies (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;
- (14) court cost for DNA testing for the offense of public lewdness or indecent exposure (Art. 102.020(a)(2), Code of Criminal Procedure) . . . \$50;
- (15) court cost for DNA testing for certain felonies (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;
- (16) if required by the court, a restitution fee for costs incurred in collecting restitution installments and for the compensation to victims of crime fund (Art. 42.037, Code of Criminal Procedure) . . . \$12;
- (17) if directed by the justice of the peace or municipal court judge hearing the case, court costs on conviction in a criminal action (Art. 45.041, Code of Criminal Procedure) . . . part or all of the costs as directed by the judge; and
- (18) costs attendant to convictions under Chapter 49, Penal Code, and under Chapter 481, Health and Safety Code, to help fund drug court programs established under Chapter 122, 123, 124, or 125, Government [~~469, Health and Safety~~] Code, or former law (Art. 102.0178, Code of Criminal Procedure) . . . \$60.

SECTION 2.09. (a) Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0271 to read as follows:

Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE. Fees and costs shall be paid or collected under the Government Code as follows:

- (1) a program fee for a drug court program (Sec. 123.004, Government Code) . . . not to exceed \$1,000;
- (2) an alcohol or controlled substance testing, counseling, and treatment fee (Sec. 123.004, Government Code) . . . the amount necessary to cover the costs of testing, counseling, and treatment;
- (3) a reasonable program fee for a veterans court program (Sec. 124.005, Government Code) . . . not to exceed \$1,000; and
- (4) a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a veterans court program (Sec. 124.005, Government Code) . . . the amount necessary to cover the costs of testing, counseling, or treatment.

(b) Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0292 to read as follows:

Sec. 103.0292. ADDITIONAL MISCELLANEOUS FEES AND COSTS: HEALTH AND SAFETY CODE. A nonrefundable program fee for a first offender prostitution prevention program established under Section 169.002, Health and Safety Code, shall be collected under Section 169.005, Health and Safety Code, in a reasonable amount not to exceed \$1,000, which includes:

- (1) a counseling and services fee in an amount necessary to cover the costs of counseling and services provided by the program;
- (2) a victim services fee in an amount equal to 10 percent of the total fee; and
- (3) a law enforcement training fee in an amount equal to five percent of the total fee.

(c) Sections 103.029 and 103.0291, Government Code, are repealed.

SECTION 2.10. Subsection (a), Section 493.009, Government Code, is amended to read as follows:

(a) The department shall establish a program to confine and treat:

- (1) defendants required to participate in the program under Section 14, Article 42.12, Code of Criminal Procedure; and
- (2) individuals referred for treatment as part of a drug court program established under Chapter 123 [~~469, Health and Safety Code;~~] or a similar program created under other law.

SECTION 2.11. Subdivision (1), Section 509.001, Government Code, is amended to read as follows:

- (1) "Community corrections facility" means a physical structure, established by the judges described by Section 76.002 after authorization of the establishment of the structure has been included in the local community justice plan, that is operated by a department or operated for a department by an entity under contract with the department, for the purpose of treating persons who have been placed on community supervision or who are

participating in a drug court program established under Chapter 123 or former law [469, Health and Safety Code,] and providing services and programs to modify criminal behavior, deter criminal activity, protect the public, and restore victims of crime. The term includes:

- (A) a restitution center;
- (B) a court residential treatment facility;
- (C) a substance abuse treatment facility;
- (D) a custody facility or boot camp;
- (E) a facility for an offender with a mental impairment, as defined by Section 614.001, Health and Safety Code; and
- (F) an intermediate sanction facility.

#### ARTICLE 3. TRANSITION

SECTION 3.01. (a) Except as provided by Subsection (b) of this section, the change in law made by this Act applies to a specialty court as defined by Section 121.001, Government Code, as added by this Act, regardless of whether that court was created under Subtitle K, Title 2, Government Code, as added by this Act, or former law.

(b) Subsection (b), Section 123.001, Government Code, as redesignated and amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(c) Promptly after this Act takes effect, the governor shall appoint two additional members to the Specialty Courts Advisory Council under Section 772.0061, Government Code, as amended by this Act, as follows:

(1) one member who has experience as a judge of a specialty court, to serve a term expiring February 1, 2017; and

(2) one member who represents the public, to serve a term expiring February 1, 2019.

(d) The change in law made by this Act in the qualifications applying to a member of the Specialty Courts Advisory Council does not affect the entitlement of a member serving on the council immediately before September 1, 2013, to continue to serve and function as a member of the council for the remainder of the member's term. The change in law in the qualifications applies only to a member appointed on or after September 1, 2013. However, as the terms of the members serving immediately before September 1, 2013, expire or become vacant, the governor shall make additional appointments to the council as necessary to comply with Section 772.0061, Government Code, as amended by this Act.

(e) To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

#### ARTICLE 4. EFFECTIVE DATE

SECTION 4.01. This Act takes effect September 1, 2013.

**S.B. No. 484**

#### AN ACT

relating to the creation of a prostitution prevention program; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 2, Health and Safety Code, is amended by adding Chapter 169A to read as follows:

#### CHAPTER 169A. PROSTITUTION PREVENTION PROGRAM

#### Sec. 169A.001. PROSTITUTION PREVENTION PROGRAM; PROCEDURES FOR CERTAIN

DEFENDANTS. (a) In this chapter, "prostitution prevention program" means a program that has the following essential characteristics:

(1) the integration of services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety, to reduce the demand for the commercial sex trade and trafficking of persons by educating offenders, and to protect the due process rights of program participants;



- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse;
- (5) a coordinated strategy to govern program responses to participant compliance;
- (6) monitoring and evaluation of program goals and effectiveness;
- (7) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (8) development of partnerships with public agencies and community organizations.

(b) If a defendant successfully completes a prostitution prevention program, regardless of whether the defendant was convicted of the offense for which the defendant entered the program or whether the court deferred further proceedings without entering an adjudication of guilt, after notice to the state and a hearing on whether the defendant is otherwise entitled to the petition, including whether the required time has elapsed, and whether issuance of the order is in the best interest of justice, the court shall enter an order of nondisclosure under Section 411.081, Government Code, as if the defendant had received a discharge and dismissal under Section 5(c), Article 42.12, Code of Criminal Procedure, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program.

Sec. 169A.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY. (a) The commissioners court of a county or governing body of a municipality may establish a prostitution prevention program for defendants charged with an offense under Section 43.02(a)(1), Penal Code, in which the defendant offered or agreed to engage in or engaged in sexual conduct for a fee.

(b) A defendant is eligible to participate in a prostitution prevention program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program.

(c) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to participate in the prostitution prevention program or otherwise proceed through the criminal justice system.

Sec. 169A.0025. ESTABLISHMENT OF REGIONAL PROGRAM. The commissioners courts of two or more counties, or the governing bodies of two or more municipalities, may elect to establish a regional prostitution prevention program under this chapter for the participating counties or municipalities.

Sec. 169A.003. PROGRAM POWERS AND DUTIES. (a) A prostitution prevention program established under this chapter must:

(1) ensure that a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow any participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide each participant with information, counseling, and services relating to sex addiction, sexually transmitted diseases, mental health, and substance abuse; and

(4) provide each participant with instruction related to the prevention of prostitution.

(b) To provide each program participant with information, counseling, and services described by Subsection (a)

(3), a program established under this chapter may employ a person or solicit a volunteer who is:

(1) a health care professional;

(2) a psychologist;

(3) a licensed social worker or counselor;

(4) a former prostitute;

(5) a family member of a person arrested for soliciting prostitution;

(6) a member of a neighborhood association or community that is adversely affected by the commercial sex trade or trafficking of persons; or

(7) an employee of a nongovernmental organization specializing in advocacy or laws related to sex trafficking or human trafficking or in providing services to victims of those offenses.

(c) A program established under this chapter shall establish and publish local procedures to promote maximum participation of eligible defendants in programs established in the county or municipality in which the defendants reside.



Sec. 169A.004. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of prostitution prevention programs established under this chapter.

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a prostitution prevention program established under this chapter.

(c) A legislative committee may require a county that does not establish a prostitution prevention program under this chapter due to a lack of sufficient funding, as provided by Section 169A.0055(c), to provide the committee with any documentation in the county's possession that concerns federal or state funding received by the county.

(d) A prostitution prevention program established under this chapter shall:

(1) notify the criminal justice division of the governor's office before or on implementation of the program; and

(2) provide information regarding the performance of the program to the division on request.

Sec. 169A.005. FEES. (a) A prostitution prevention program established under this chapter may collect from a participant in the program a nonrefundable program fee in a reasonable amount not to exceed \$1,000, from which the following must be paid:

(1) a counseling and services fee in an amount necessary to cover the costs of the counseling and services provided by the program;

(2) a victim services fee in an amount equal to 10 percent of the amount paid under Subdivision (1), to be deposited to the credit of the general revenue fund to be appropriated only to cover costs associated with the grant program described by Section 531.383, Government Code; and

(3) a law enforcement training fee, in an amount equal to five percent of the total amount paid under Subdivision (1), to be deposited to the credit of the treasury of the county or municipality that established the program to cover costs associated with the provision of training to law enforcement personnel on domestic violence, prostitution, and the trafficking of persons.

(b) Fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the prostitution prevention program. The fees must be based on the participant's ability to pay.

Sec. 169A.0055. PROGRAM IN CERTAIN COUNTIES MANDATORY. (a) The commissioners court of a county shall establish a prostitution prevention program if:

(1) the county has a population of more than 200,000; and

(2) a municipality in the county has not established a prostitution prevention program.

(b) A county required under this section to establish a prostitution prevention program shall apply for federal and state funds available to pay the costs of the program. The criminal justice division of the governor's office may assist a county in applying for federal funds as required by this subsection.

(c) Notwithstanding Subsection (a), a county is required to establish a prostitution prevention program under this section only if the county receives sufficient federal or state funding specifically for that purpose.

(d) A county that does not establish a prostitution prevention program as required by this section and maintain the program is ineligible to receive from the state funds for a community supervision and corrections department.

Sec. 169A.006. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE REQUIREMENT. (a) To encourage participation in a prostitution prevention program established under this chapter, the judge or magistrate administering the program may suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project.

(b) On a participant's successful completion of a prostitution prevention program, a judge or magistrate may excuse the participant from any condition of community supervision previously suspended under Subsection (a).

SECTION 2. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0292 to read as follows:

Sec. 103.0292. ADDITIONAL MISCELLANEOUS FEES AND COSTS: HEALTH AND SAFETY CODE. A nonrefundable program fee for a prostitution prevention program established under Section 169A.002, Health and Safety Code, shall be collected under Section 169A.005, Health and Safety Code, in a reasonable amount

based on the defendant's ability to pay and not to exceed \$1,000, which includes:

(1) a counseling and services fee in an amount necessary to cover the costs of counseling and services provided by the program;

(2) a victim services fee in an amount equal to 10 percent of the total fee; and

(3) a law enforcement training fee in an amount equal to five percent of the total fee.

SECTION 3. Subdivision (2), Subsection (a), Section 772.0061, Government Code, is amended to read as follows:

(2) "Specialty court" means:

(A) a prostitution prevention program established under Chapter 169A, Health and Safety Code;

(B) a drug court program established under Chapter 469, Health and Safety Code;

(C) [~~(B)~~] a mental health court program established under Chapter 616, Health and Safety Code; and

(D) [~~(C)~~] a veterans court program established under Chapter 617, Health and Safety Code.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 487**

AN ACT

relating to all-terrain vehicles and recreational off-highway vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivisions (1) and (37), Section 502.001, Transportation Code, are amended to read as follows:

(1) "All-terrain vehicle" means a motor vehicle that is:

(A) equipped with a seat or seats [~~saddle~~] for the use of:

(i) the rider; and

(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with three or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use; [~~and~~]

(D) not designed by the manufacturer primarily for farming or lawn care; and

(E) not more than 50 inches wide.

(37) "Recreational off-highway vehicle" means a motor vehicle that is:

(A) equipped with a [~~non-straddle~~] seat or seats for the use of:

(i) the rider; and

(ii) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;

(B) designed to propel itself with four or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use by the operator only; and

(D) not designed by the manufacturer primarily for farming or lawn care.

SECTION 2. Subdivision (1), Section 663.001, Transportation Code, is amended to read as follows:

(1) "All-terrain vehicle" means a motor vehicle that is:

(A) equipped with a seat or seats [~~saddle~~] for the use of:

(i) the rider; and

(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with three or four tires in contact with the ground;

(C) designed by the manufacturer for off-highway use by the operator only; [~~and~~]

(D) not designed by the manufacturer for farming or lawn care; and

(E) not more than 50 inches wide.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 510**

AN ACT

relating to passing certain vehicles on a highway; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 545.157, Transportation Code, is amended to read as follows:

Sec. 545.157. PASSING CERTAIN VEHICLES [~~AUTHORIZED EMERGENCY VEHICLE~~]. (a) This section applies only to the following vehicles:

(1) [~~On approaching~~] a stationary authorized emergency vehicle using visual signals that meet the requirements of Sections 547.305 and 547.702;

(2) [~~;~~ ~~or~~] a stationary tow truck using equipment authorized by Section 547.305(d); and

(3) a Texas Department of Transportation vehicle not separated from the roadway by a traffic control channelizing device and using visual signals that comply with the standards and specifications adopted under Section 547.105.

(b) On approaching a vehicle described by Subsection (a), an operator, unless otherwise directed by a police officer, shall:

(1) vacate the lane closest to the [~~emergency~~] vehicle [~~or tow truck~~] when driving on a highway with two or more lanes traveling in the direction of the [~~emergency~~] vehicle [~~or tow truck~~]; or

(2) slow to a speed not to exceed:

(A) 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or more; or

(B) five miles per hour when the posted speed limit is less than 25 miles per hour.

(c) [~~(b)~~] A violation of this section is:

(1) a misdemeanor punishable under Section 542.401;

(2) a misdemeanor punishable by a fine of \$500 if the violation results in property damage; or

(3) a Class B misdemeanor if the violation results in bodily injury.

(d) [~~(e)~~] If conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code, the actor may be prosecuted under either section or under both sections.

(e) [~~(d)~~] In this section:

(1) "~~Tow~~ [~~;~~ ~~tow~~] truck" means a vehicle that:

(A) [~~(+)~~] has been issued a permit under Subchapter C, Chapter 2308, Occupations Code; and

(B) [~~(2)~~] is operated by a person licensed under Subchapter D, Chapter 2308, Occupations Code.

(2) "Traffic control channelizing device" means equipment used to warn and alert drivers of conditions created by work activities in or near the traveled way, to protect workers in a temporary traffic control zone, and to guide drivers and pedestrians safely. The term includes a traffic cone, tubular marker, vertical panel, drum, barricade, temporary raised island, concrete or cable barrier, guardrail, or channelizer.

SECTION 2. Subsection (b), Section 545.301, Transportation Code, is amended to read as follows:

(b) This section does not apply to an operator of:

(1) a vehicle that is disabled while on the paved or main traveled part of a highway if it is impossible to avoid stopping and temporarily leaving the vehicle on the highway;

(2) a vehicle used exclusively to transport solid, semisolid, or liquid waste operated at the time in connection with the removal or transportation of solid, semisolid, or liquid waste from a location adjacent to the highway; or

(3) a tow truck, as defined by Section ~~545.157(e)~~ [~~545.157(d)~~], that is performing towing duties under Chapter 2308, Occupations Code.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 529**

AN ACT

relating to the creation of the offense of installation, transfer, use, or possession of an automated sales suppression device or phantom-ware.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 10, Business & Commerce Code, is amended by adding Chapter 326 to read as follows:

CHAPTER 326. AUTOMATED SALES SUPPRESSION DEVICES; PHANTOM-WARE

Sec. 326.001. DEFINITIONS. In this chapter:

(1) “Automated sales suppression device” means a device or software program that falsifies an electronic record, including transaction data or a transaction report, of an electronic cash register or other point-of-sale system. The term includes a device that carries the software program or an Internet link to the software program.

(2) “Electronic cash register” means a device or point-of-sale system that maintains a register or documentation through an electronic device or computer system that is designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data.

(3) “Phantom-ware” means a hidden programming option that is embedded in the operating system of an electronic cash register or hardwired into an electronic cash register and that may be used to create a second set of transaction reports or to eliminate or manipulate an original transaction report, which may or may not be preserved in a digital format, to represent the original or manipulated report of a transaction in the electronic cash register.

(4) “Transaction data” includes data identifying an item purchased by a customer, a price for an item, a taxability determination for an item, a segregated tax amount for an item, an amount of cash or credit tendered for an item, a net amount of cash returned to a customer who purchased an item, a date or time of a purchase, a receipt or invoice number for a transaction, and a vendor’s name, address, or identification number.

(5) “Transaction report” means a report that:

(A) contains documentation of each sale, amount of tax or fee collected, media total, or discount void at an electronic cash register and that is printed on a cash register tape at the end of a day or a shift; or

(B) documents every action at an electronic cash register and is stored electronically.

Sec. 326.002. AUTOMATED SALES SUPPRESSION DEVICES AND PHANTOM-WARE PROHIBITED;

CRIMINAL OFFENSE. (a) A person commits an offense if the person knowingly sells, purchases, installs, transfers, uses, or possesses an automated sales suppression device or phantom-ware.

(b) An offense under this section is a state jail felony.

SECTION 2. Subdivision (2), Article 59.01, Code of Criminal Procedure, is amended to read as follows:

(2) “Contraband” means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 20.05, 21.11, 38.04, or Chapter 43, 20A, 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under The Securities Act (Article 581-1 et seq., Vernon’s Texas Civil Statutes); or

(iv) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 153, Finance Code;

(iv) any felony under Chapter 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 152, Finance Code;

(vii) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves the state Medicaid program;

(viii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(ix) a Class A misdemeanor under Section 306.051, Business & Commerce Code;

(x) any offense under Section 42.10, Penal Code;

(xi) any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xii) any offense under Chapter 71, Penal Code; [øø]

(xiii) any offense under Section 20.05, Penal Code; or

(xiv) an offense under Section 326.002, Business & Commerce Code;



(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii) of this subdivision, or a crime of violence;  
(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(viii), (x), (xi), or (xii) of this subdivision, or a crime of violence;  
(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or 43.25, Penal Code; or  
(F) used to facilitate or intended to be used to facilitate the commission of a felony under Section 20A.02 or Chapter 43, Penal Code.  
SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 553**

AN ACT

relating to certain high school students serving as early voting clerks in an election.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.087, Education Code, is amended by adding Subsections (b-1) and (e) and amending Subsection (d) to read as follows:

(b-1) A school district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election.

(d) A student whose absence is excused under Subsection (b), (b-1), (b-2), or (c) may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under Subsection (b), (b-1), ~~(b-2)~~, or (c) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.

(e) A school district may excuse a student for the purposes provided by Subsections (b)(1)(E) and (b-1) for a maximum of two days in a school year.

SECTION 2. Section 33.092, Education Code, is amended to read as follows:

Sec. 33.092. STUDENT ELECTION CLERKS AND EARLY VOTING CLERKS. A student who is appointed as a student election clerk under Section 32.0511, Election Code, or as a student early voting clerk under Section 83.012, Election Code, may apply the time served as a student election clerk or student early voting clerk toward:

- (1) a requirement for a school project at the discretion of the teacher who assigned the project; or
- (2) a service requirement for participation in an advanced academic course program at the discretion of the program sponsor or a school-sponsored extracurricular activity at the discretion of the school sponsor.

SECTION 3. Subchapter A, Chapter 83, Election Code, is amended by adding Section 83.012 to read as follows:

Sec. 83.012. STUDENT EARLY VOTING CLERKS. (a) The early voting clerk may appoint student early voting clerks as necessary to assist the early voting clerk.

(b) A person is eligible to serve as a student early voting clerk under this section if the person is ineligible to serve as a clerk of an election precinct under Section 32.051(c) but meets the eligibility requirements to be a student election clerk under Section 32.0511.

(c) A student early voting clerk serving under this section:

- (1) is entitled to compensation under Section 83.052 in the same manner as other early voting clerks; and
- (2) when communicating with a voter who cannot communicate in English, may communicate with the voter in a language the voter and the clerk understand as authorized by Subchapter B, Chapter 61.

(d) Not more than four student early voting clerks may serve at an early voting polling place.

(e) The secretary of state may initiate or assist in the development of a statewide program promoting the use of student early voting clerks appointed under this section.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected



to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 654**

**AN ACT**

relating to the enforcement of water conservation and animal care and control ordinances of a municipality by civil action or quasi-judicial enforcement; providing civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.012, Local Government Code, is amended to read as follows:

Sec. 54.012. CIVIL ACTION. A municipality may bring a civil action for the enforcement of an ordinance:

- (1) for the preservation of public safety, relating to the materials or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
- (2) relating to the preservation of public health or to the fire safety of a building or other structure or improvement, including provisions relating to materials, types of construction or design, interior configuration, illumination, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
- (3) for zoning that provides for the use of land or classifies a parcel of land according to the municipality's district classification scheme;
- (4) establishing criteria for land subdivision or construction of buildings, including provisions relating to street width and design, lot size, building width or elevation, setback requirements, or utility service specifications or requirements;
- (5) implementing civil penalties under this subchapter for conduct classified by statute as a Class C misdemeanor;
- (6) relating to dangerously damaged or deteriorated structures or improvements;
- (7) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;
- (8) relating to the interior configuration, design, illumination, or visibility of business premises exhibiting for viewing by customers while on the premises live or mechanically or electronically displayed entertainment intended to provide sexual stimulation or sexual gratification; [or]
- (9) relating to point source effluent limitations or the discharge of a pollutant, other than from a non-point source, into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the municipality;
- (10) relating to animal care and control; or
- (11) relating to water conservation measures, including watering restrictions.

SECTION 2. Section 54.032, Local Government Code, is amended to read as follows:

Sec. 54.032. ORDINANCES SUBJECT TO QUASI-JUDICIAL ENFORCEMENT. This subchapter applies only to ordinances:

- (1) for the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
- (2) relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
- (3) relating to dangerously damaged or deteriorated buildings or improvements;
- (4) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; [or]
- (5) relating to a building code or to the condition, use, or appearance of property in a municipality;
- (6) relating to animal care and control; or
- (7) relating to water conservation measures, including watering restrictions.

SECTION 3. The changes in law made by this Act apply only to a violation of a municipal ordinance that occurs on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2013.

**S.B. No. 670**

AN ACT

relating to the copying of certain records and files relating to a child who is a party to a juvenile proceeding.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 58.007, Family Code, is amended to read as follows:

(b) Except as provided by Article 15.27, Code of Criminal Procedure, the records and files of a juvenile court, a clerk of court, a juvenile probation department, or a prosecuting attorney relating to a child who is a party to a proceeding under this title may be inspected or copied [~~are open to inspection~~] only by:

- (1) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (2) a juvenile justice agency as that term is defined by Section 58.101;
- (3) an attorney for a party to the proceeding;
- (4) a public or private agency or institution providing supervision of the child by arrangement of the juvenile court, or having custody of the child under juvenile court order; or
- (5) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 686**

AN ACT

relating to the change of the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. CHANGING THE NAME OF THE COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT

SECTION 1.01. Subdivision (1), Section 1701.001, Occupations Code, is amended to read as follows:

(1) "Commission" means the Texas Commission on Law Enforcement [~~Officer Standards and Education~~].

SECTION 1.02. Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement [~~Officer Standards and Education~~] is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021.

SECTION 1.03. Subchapter A, Chapter 1701, Occupations Code, is amended by adding Section 1701.004 to read as follows:

Sec. 1701.004. REFERENCE TO COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION. A reference in law to the Commission on Law Enforcement Officer Standards and Education or the Texas Commission on Law Enforcement Officer Standards and Education means the Texas Commission on Law Enforcement.

SECTION 1.04. The heading to Subchapter B, Chapter 1701, Occupations Code, is amended to read as follows:

SUBCHAPTER B. TEXAS COMMISSION ON LAW ENFORCEMENT [~~OFFICER STANDARDS AND EDUCATION~~]

SECTION 1.05. Subsection (a), Section 1701.051, Occupations Code, is amended to read as follows:

(a) The Texas Commission on Law Enforcement [~~Officer Standards and Education~~] is an agency of this state and consists of nine members appointed by the governor with the advice and consent of the senate as follows:

- (1) three members who are sheriffs, constables, or chiefs of police;
- (2) three members who:
  - (A) are licensed under this chapter, two of whom are peace officers who, at the time of appointment, hold

nonsupervisory positions with a law enforcement agency; and  
(B) have been licensed under this chapter for the five years preceding the date of appointment; and  
(3) three members who represent the public.

#### ARTICLE 3. TRANSITION AND EFFECTIVE DATE

##### SECTION 3.01. (a) Effective January 1, 2014:

(1) the name of the Commission on Law Enforcement Officer Standards and Education is changed to the Texas Commission on Law Enforcement, and all powers, duties, rights, and obligations of the Commission on Law Enforcement Officer Standards and Education are the powers, duties, rights, and obligations of the Texas Commission on Law Enforcement;

(2) a member of the Commission on Law Enforcement Officer Standards and Education is a member of the Texas Commission on Law Enforcement; and

(3) any appropriation to the Commission on Law Enforcement Officer Standards and Education is an appropriation to the Texas Commission on Law Enforcement.

(b) Effective January 1, 2014, a reference in law to the Commission on Law Enforcement Officer Standards and Education is a reference to the Texas Commission on Law Enforcement.

(c) The Texas Commission on Law Enforcement is the successor to the Commission on Law Enforcement Officer Standards and Education in all respects. All personnel, equipment, data, documents, facilities, contracts, items, other property, rules, decisions, and proceedings of or involving the Commission on Law Enforcement Officer Standards and Education are unaffected by the change in the name of the agency.

(d) The Commission on Law Enforcement Officer Standards and Education shall adopt a schedule for phasing in the change of the agency's name so as to minimize the fiscal impact of the name change. Until January 1, 2014, to allow for phasing in the change of the agency's name and in accordance with the schedule established as required by this section, the agency may perform any act authorized by law for the Commission on Law Enforcement Officer Standards and Education as the Commission on Law Enforcement Officer Standards and Education or as the Texas Commission on Law Enforcement. Any act of the Commission on Law Enforcement Officer Standards and Education acting as the Texas Commission on Law Enforcement on or after the effective date of this Act and before January 1, 2014, is an act of the Commission on Law Enforcement Officer Standards and Education.

SECTION 3.02. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 701**

#### AN ACT

relating to a defense to prosecution for criminal trespass.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (e), Section 30.05, Penal Code, is amended to read as follows:

(e) It is a defense to prosecution under this section that the actor at the time of the offense was:

(1) a firefighter or emergency medical services personnel, as defined by Section 773.003, Health and Safety Code, acting in the lawful discharge of an official duty under exigent circumstances;

(2) a person who was:

(A) an employee or agent of:

(i) an electric utility, as defined by Section 31.002, Utilities Code;

(ii) a telecommunications provider, as defined by Section 51.002, Utilities Code;

(iii) a video service provider or cable service provider, as defined by Section 66.002, Utilities Code;

(iv) a gas utility, as defined by Section 101.003, Utilities Code, which for the purposes of this subsection includes a municipally owned utility as defined by that section;

(v) a gas utility, as defined by Section ~~101.003~~ 121.001, Utilities Code; ~~or~~

(vi) ~~or~~ a pipeline used for the transportation or sale of oil, gas, or related products; or

(vii) an electric cooperative or municipally owned utility, as defined by Section 11.003, Utilities Code; and

(B) performing a duty within the scope of that employment or agency; or

(3) a person who was:

(A) employed by or acting as agent for an entity that had, or that the person reasonably believed had, effective consent or authorization provided by law to enter the property; and

(B) performing a duty within the scope of that employment or agency.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 743**

#### AN ACT

relating to the penalties prescribed for repeated violations of certain court orders or conditions of bond in a family violence case.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 25, Penal Code, is amended by adding Section 25.072 to read as follows:

Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN FAMILY VIOLENCE CASE. (a) A person commits an offense if, during a period that is 12 months or less in duration, the person two or more times engages in conduct that constitutes an offense under Section 25.07. (b) If the jury is the trier of fact, members of the jury must agree unanimously that the defendant, during a period that is 12 months or less in duration, two or more times engaged in conduct that constituted an offense under Section 25.07.

(c) A defendant may not be convicted in the same criminal action of another offense an element of which is any conduct that is alleged as an element of the offense under Subsection (a) unless the other offense:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (a) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) A defendant may not be charged with more than one count under Subsection (a) if all of the specific conduct that is alleged to have been engaged in is alleged to have been committed in violation of a single court order or single setting of bond.

(e) An offense under this section is a felony of the third degree.

SECTION 2. Subsection (g), Section 25.07, Penal Code, is amended to read as follows:

(g) An offense under this section is a Class A misdemeanor, except the offense is a felony of the third degree if [unless] it is shown on the trial of the offense that the defendant:

(1) has previously been convicted two or more times of an offense under this section or two or more times of an offense under Section 25.072, or has previously been convicted of an offense under this section and an offense under Section 25.072; [two or more times] or

(2) has violated the order or condition of bond by committing an assault or the offense of stalking[~~, in which event the offense is a third degree felony~~].

SECTION 3. Article 5.07, Code of Criminal Procedure, is amended to read as follows:

Art. 5.07. VENUE FOR PROTECTIVE ORDER OFFENSES. The venue for an offense under Section 25.07 or 25.072, Penal Code, is in the county in which the order was issued or, without regard to the identity or location of the court that issued the protective order, in the county in which the offense was committed.

SECTION 4. Subsection (c-1), Section 25.0172, Government Code, is amended to read as follows:

(c-1) The County Court at Law No. 13 of Bexar County, Texas, shall give preference to cases prosecuted under:

(1) Section 22.01, Penal Code, in which the victim is a person whose relationship to or association with the defendant is described by Chapter 71, Family Code; and

(2) Section 25.07 or 25.072, Penal Code.



SECTION 5. Subsection (l), Section 25.2223, Government Code, is amended to read as follows:

(l) The County Criminal Court No. 5 of Tarrant County shall give preference to cases brought under Title 5, Penal Code, involving family violence as defined by Section 71.004, Family Code, and cases brought under Sections 25.07, 25.072, and 42.072, Penal Code.

SECTION 6. Subsection (e), Section 411.081, Government Code, is amended to read as follows:

(e) A person is entitled to petition the court under Subsection (d) only if during the period of the deferred adjudication community supervision for which the order of nondisclosure is requested and during the applicable period described by Subsection (d)(1), (2), or (3), as appropriate, the person is not convicted of or placed on deferred adjudication community supervision under Section 5, Article 42.12, Code of Criminal Procedure, for any offense other than an offense under the Transportation Code punishable by fine only. A person is not entitled to petition the court under Subsection (d) if the person was placed on the deferred adjudication community supervision for or has been previously convicted or placed on any other deferred adjudication for:

- (1) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;
- (2) an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;
- (3) an offense under Section 19.02, 19.03, 22.04, 22.041, 25.07, 25.072, or 42.072, Penal Code; or
- (4) any other offense involving family violence, as defined by Section 71.004, Family Code.

SECTION 7. Section 411.1711, Government Code, is amended to read as follows:

Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. A person is not convicted, as that term is defined by Section 411.171, if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a license under this subchapter unless the order of deferred adjudication was entered against the person for:

- (1) a felony offense under:
  - (A) Title 5, Penal Code;
  - (B) Chapter 29, Penal Code;
  - (C) Section 25.07 or 25.072, Penal Code; or
  - (D) Section 30.02, Penal Code, if the offense is punishable under Subsection (c)(2) or (d) of that section;
- (2) an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense listed in Subdivision (1).

SECTION 8. Subsection (a), Section 301.4535, Occupations Code, is amended to read as follows:

(a) The board shall suspend a nurse's license or refuse to issue a license to an applicant on proof that the nurse or applicant has been initially convicted of:

- (1) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or manslaughter under Section 19.04, Penal Code;
- (2) kidnapping or unlawful restraint under Chapter 20, Penal Code, and the offense was punished as a felony or state jail felony;
- (3) sexual assault under Section 22.011, Penal Code;
- (4) aggravated sexual assault under Section 22.021, Penal Code;
- (5) continuous sexual abuse of young child or children under Section 21.02, Penal Code, or indecency with a child under Section 21.11, Penal Code;
- (6) aggravated assault under Section 22.02, Penal Code;
- (7) intentionally, knowingly, or recklessly injuring a child, elderly individual, or disabled individual under Section 22.04, Penal Code;
- (8) intentionally, knowingly, or recklessly abandoning or endangering a child under Section 22.041, Penal Code;
- (9) aiding suicide under Section 22.08, Penal Code, and the offense was punished as a state jail felony;
- (10) an offense involving a violation of certain court orders or conditions of bond under Section 25.07, 25.071, or 25.072, Penal Code, punished as a felony;
- (11) [~~an offense under Section 25.071, Penal Code, punished as a felony;~~];
- (12) [~~(12)~~] an agreement to abduct a child from custody under Section 25.031, Penal Code;
- (13) [~~(13)~~] the sale or purchase of a child under Section 25.08, Penal Code;



(13) [(14)] robbery under Section 29.02, Penal Code;

(14) [(15)] aggravated robbery under Section 29.03, Penal Code;

(15) [(16)] an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(16) [(17)] an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense listed in this subsection.

SECTION 9. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 10. This Act takes effect September 1, 2013.

**S.B. No. 763**

AN ACT

relating to motorcycle training, the enforcement of certification standards for motorcycles, and the license requirements for a three-wheeled motorcycle; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 521.148, Transportation Code, is amended to read as follows:

(a) An applicant for an original Class M license or Class A, B, or C driver's license that includes an authorization to operate a motorcycle must furnish to the department evidence satisfactory to the department that the applicant has successfully completed a [basic] motorcycle operator training course approved by the department under Chapter 662. The department shall issue a Class M license that is restricted to the operation of a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle.

SECTION 2. Subsection (b), Section 662.002, Transportation Code, is amended to read as follows:

(b) The program shall include curricula approved by the state agency administering the program [~~developed by the Motorcycle Safety Foundation~~].

SECTION 3. Section 662.006, Transportation Code, is amended to read as follows:

Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) A person may not offer or conduct training in motorcycle operation for [a] consideration unless the person is licensed by or contracts with the designated state agency.

(b) A person who violates Subsection (a) commits an offense. An offense under this subsection is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section.

SECTION 4. Subsection (b), Section 662.008, Transportation Code, is amended to read as follows:

(b) Following denial, suspension, or cancellation of [~~Before the designated state agency may deny, suspend, or cancel~~] the approval of a program sponsor or an instructor, notice and opportunity for a hearing must be given as provided by:

(1) Chapter 2001, Government Code; and

(2) Chapter 53, Occupations Code.

SECTION 5. Section 521.227, Transportation Code, is repealed.

SECTION 6. This Act takes effect September 1, 2013.

**S.B. No. 821**

AN ACT

relating to the prosecution of certain criminal offenses involving theft or involving fraud or other deceptive practices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 31.06, Penal Code, is amended to read as follows:

Sec. 31.06. PRESUMPTION FOR THEFT BY CHECK OR SIMILAR SIGHT ORDER.

SECTION 2. Subsection (a), Section 31.06, Penal Code, is amended to read as follows:

(a) If the actor obtained property or secured performance of service by issuing or passing a check or similar sight order for the payment of money, when the issuer did not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders then outstanding, it is prima facie evidence of the issuer's [his] intent to deprive the owner of property under Section 31.03 (Theft) including a drawee or third-party holder in due course who negotiated the check or order or to avoid payment for service under Section 31.04 (Theft of Service) (except in the case of a postdated check or order) if:

- (1) the issuer [he] had no account with the bank or other drawee at the time the issuer [he] issued the check or sight order; or
- (2) payment was refused by the bank or other drawee for lack of funds or insufficient funds, on presentation within 30 days after issue, and the issuer failed to pay the holder in full within 10 days after receiving notice of that refusal.

SECTION 3. The heading to Section 32.41, Penal Code, is amended to read as follows:

Sec. 32.41. ISSUANCE OF BAD CHECK OR SIMILAR SIGHT ORDER.

SECTION 4. Subsection (e), Section 32.41, Penal Code, is amended to read as follows:

(e) A person charged with an offense under this section may make restitution for the bad checks or sight orders. Restitution shall be made through the prosecutor's office if collection and processing were initiated through that office. In other cases restitution may be, with the approval of the court in which the offense is filed:

- (1) made through the court; or
- (2) collected by a law enforcement agency if a peace officer of that agency executes a warrant against the person charged with the offense.

SECTION 5. Subdivision (1), Subsection (a), Section 32.45, Penal Code, is amended to read as follows:

(1) "Fiduciary" includes:

- (A) a trustee, guardian, administrator, executor, conservator, and receiver;
- (B) an attorney in fact or agent appointed under a durable power of attorney as provided by Chapter XII, Texas Probate Code;
- (C) any other person acting in a fiduciary capacity, but not a commercial bailee unless the commercial bailee is a party in a motor fuel sales agreement with a distributor or supplier, as those terms are defined by Section 162.001 [~~153.001~~], Tax Code; and
- (D) an officer, manager, employee, or agent carrying on fiduciary functions on behalf of a fiduciary.

SECTION 6. Subsection (a), Section 3.507, Business & Commerce Code, is amended to read as follows:

(a) On return of a check or similar sight order, as defined by Section 1.07, Penal Code, to the holder following dishonor of the check or sight order by a payor and prior to the check or sight order being referred for prosecution, the holder, the holder's assignee, agent, or representative, or any other person retained by the holder to seek collection of the dishonored check or sight order may charge the drawer or indorser of the check or sight order the cost of delivery notification by registered or certified mail with return receipt requested under Section 31.06 or Section 32.41, Penal Code, as applicable.

SECTION 7. The heading to Article 102.007, Code of Criminal Procedure, is amended to read as follows:

Art. 102.007. FEE FOR COLLECTING AND PROCESSING CHECK OR SIMILAR SIGHT ORDER.

SECTION 8. Subsections (a) and (e), Article 102.007, Code of Criminal Procedure, are amended to read as follows:

(a) A county attorney, district attorney, or criminal district attorney may collect a fee if the attorney's [his] office collects and processes a check or similar sight order, as defined by Section 1.07, Penal Code, if the check or similar sight order:

- (1) has been issued or passed in a manner that makes the issuance or passing an offense under:
  - (A) Section 31.03, Penal Code;
  - (B) Section 31.04, Penal Code; or
  - (C) Section 32.41, Penal Code; or
- (2) has been forged, as defined by Section 32.21, Penal Code.

(e) In addition to the collection fee specified in Subsection (c) [~~of this article~~], the county attorney, district attorney, or criminal district attorney may collect the fee authorized by Section 3.506, Business & Commerce Code, for the benefit of the holder of a check or similar sight order or the holder's [its] assignee, agent, representative, or any other person retained by the holder to seek collection of the check or order.

SECTION 11. The heading to Section 162.409, Tax Code, is amended to read as follows:

Sec. 162.409. ISSUANCE OF BAD CHECK OR SIMILAR SIGHT ORDER TO LICENSED DISTRIBUTOR, LICENSED SUPPLIER, OR PERMISSIVE SUPPLIER.

SECTION 12. Subsections (a) and (d), Section 162.409, Tax Code, are amended to read as follows:

(a) A person commits an offense if:

(1) the person issues or passes a check or similar sight order, as defined by Section 1.07, Penal Code, for the payment of money knowing that the issuer does not have sufficient funds in or on deposit with the bank or other drawee for the payment in full of the check or order as well as all other checks or orders outstanding at the time of issuance;

(2) the payee on the check or order is a licensed distributor, licensed supplier, or permissive supplier; and

(3) the payment is for an obligation or debt that includes a tax under this chapter to be collected by the licensed distributor, licensed supplier, or permissive supplier.

(d) A person who makes payment on an obligation or debt that includes a tax under this chapter and pays with an insufficient funds check or similar sight order, as defined by Section 1.07, Penal Code, issued to a licensed distributor, licensed supplier, or permissive supplier may be held liable for a penalty equal to the total amount of tax not paid to the licensed distributor, licensed supplier, or permissive supplier.

SECTION 13. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 14. This Act takes effect September 1, 2013.

**S.B. No. 825**

#### AN ACT

relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.072, Government Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) The supreme court shall establish minimum standards and procedures for the attorney disciplinary and disability system. The standards and procedures for processing grievances against attorneys must provide for:

(1) classification of all grievances and investigation of all complaints;

(2) a full explanation to each complainant on dismissal of an inquiry or a complaint;

(3) periodic preparation of abstracts of inquiries and complaints filed that, even if true, do or do not constitute misconduct;

(4) an information file for each grievance filed;

(5) a grievance tracking system to monitor processing of grievances by category, method of resolution, and length of time required for resolution;

(6) notice by the state bar to the parties of a written grievance filed with the state bar that the state bar has the authority to resolve of the status of the grievance, at least quarterly and until final disposition, unless the notice would jeopardize an undercover investigation;

(7) an option for a trial in a district court on a complaint and an administrative system for attorney disciplinary and disability findings in lieu of trials in district court, including an appeal procedure to the Board of Disciplinary Appeals and the supreme court under the substantial evidence rule;

(8) an administrative system for reciprocal and compulsory discipline;

- (9) interim suspension of an attorney posing a threat of immediate irreparable harm to a client;
- (10) authorizing all parties to an attorney disciplinary hearing, including the complainant, to be present at all hearings at which testimony is taken and requiring notice of those hearings to be given to the complainant not later than the seventh day before the date of the hearing;
- (11) the commission adopting rules that govern the use of private reprimands by grievance committees and that prohibit a committee:
- (A) giving an attorney more than one private reprimand within a five-year period for a violation of the same disciplinary rule; or
- (B) giving a private reprimand for a violation:
- (i) that involves a failure to return an unearned fee, a theft, or a misapplication of fiduciary property; or
- (ii) of a disciplinary rule that requires a prosecutor to disclose to the defense all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, including Rule 3.09(d), Texas Disciplinary Rules of Professional Conduct; and
- (12) distribution of a voluntary survey to all complainants urging views on grievance system experiences.
- (b-1) In establishing minimum standards and procedures for the attorney disciplinary and disability system under Subsection (b), the supreme court must ensure that the statute of limitations applicable to a grievance filed against a prosecutor that alleges a violation of the disclosure rule does not begin to run until the date on which a wrongfully imprisoned person is released from a penal institution.
- (b-2) For purposes of Subsection (b-1):
- (1) “Disclosure rule” means the disciplinary rule that requires a prosecutor to disclose to the defense all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, including Rule 3.09(d), Texas Disciplinary Rules of Professional Conduct.
- (2) “Penal institution” has the meaning assigned by Article 62.001, Code of Criminal Procedure.
- (3) “Wrongfully imprisoned person” has the meaning assigned by Section 501.101.
- SECTION 2. As soon as practicable after the effective date of this Act but not later than December 1, 2013, the Texas Supreme Court shall amend the Texas Rules of Disciplinary Procedure to conform with Section 81.072, Government Code, as amended by this Act.
- SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 837**

AN ACT

relating to the authority of a municipality to require owners of real property to keep the property free of certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 342.004, Health and Safety Code, is amended to read as follows:

Sec. 342.004. MUNICIPAL POWER CONCERNING WEEDS OR CERTAIN PUBLIC NUISANCES [~~OTHER UNSANITARY MATTER~~]. The governing body of a municipality may require the owner of real property [~~a lot~~] in the municipality to keep the property [~~lot~~] free from weeds, [~~rubbish,~~] brush, and a condition constituting a public nuisance as defined by Section 343.011(c)(1), (2), or (3) [~~other objectionable, unsightly, or unsanitary matter~~].

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 893**

AN ACT

relating to certain conditions of, penalties for violating, and collection of information about protective orders issued in certain family violence, sexual assault or abuse, stalking, or trafficking cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 7A, Code of Criminal Procedure, is amended to read as follows:

CHAPTER 7A. PROTECTIVE ORDER FOR [~~CERTAIN~~] VICTIMS OF [~~TRAFFICKING OR~~] SEXUAL



ASSAULT OR ABUSE, STALKING, OR TRAFFICKING

SECTION 2. Subsection (a), Article 7A.05, Code of Criminal Procedure, is amended to read as follows:

(a) In a protective order issued under this chapter, the court may:

(1) order the alleged offender to take action as specified by the court that the court determines is necessary or appropriate to prevent or reduce the likelihood of future harm to the applicant or a member of the applicant's family or household; or

(2) prohibit the alleged offender from:

(A) communicating:

(i) directly or indirectly with the applicant or any member of the applicant's family or household in a threatening or harassing manner; or

(ii) in any manner with the 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;

(B) going to or near the residence, place of employment or business, or child-care facility or school of the applicant or any member of the applicant's family or household;

(C) engaging in conduct directed specifically toward the applicant or any member of the applicant's family or household, including following the person, that is reasonably likely to harass, annoy, alarm, abuse, torment, or embarrass the person; and

(D) possessing a firearm, unless the alleged offender is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

SECTION 3. Subsections (b) and (g), Section 411.042, Government Code, are amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02 and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, or stalking case. Information in the law enforcement information system relating to an active protective order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Section 85.007, Family Code;



- (E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007, Family Code;
- (F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed; ~~[and]~~
- (G) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, or stalking case; and
- (H) the date the order expires;
- (7) grant access to criminal history record information in the manner authorized under Subchapter F;
- (8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and
- (9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:
- (A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and
- (B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.
- (g) The department may adopt reasonable rules under this section relating to:
- (1) law enforcement information systems maintained by the department;
- (2) the collection, maintenance, and correction of records;
- (3) reports of criminal history information submitted to the department;
- (4) active protective orders ~~[issued under Title 4, Family Code,]~~ and reporting procedures that ensure that information relating to the issuance and dismissal of an active protective order ~~[and to the dismissal of an active protective order]~~ is reported to the local law enforcement agency at the time of the order's issuance or dismissal and entered by the local law enforcement agency in the state's law enforcement information system;
- (5) the collection of information described by Subsection (h); ~~[and]~~
- (6) a system for providing criminal history record information through the criminal history clearinghouse under Section 411.0845; and
- (7) active conditions of bond imposed on a defendant for the protection of a victim in any family violence, sexual assault or abuse, or stalking case, and reporting procedures that ensure that information relating to the issuance, modification, or removal of the conditions of bond is reported, at the time of the issuance, modification, or removal, to:
- (A) the victim or, if the victim is deceased, a close relative of the victim; and
- (B) the local law enforcement agency for entry by the local law enforcement agency in the state's law enforcement information system.

SECTION 4. The heading to Section 25.07, Penal Code, is amended to read as follows:

Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN A FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE, OR STALKING CASE.

SECTION 5. Subsection (a), Section 25.07, Penal Code, is amended to read as follows:

(a) A person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault or abuse, or stalking case and related to the safety of a ~~[the]~~ victim or the safety of the community, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, or Chapter 85, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

(1) commits family violence or an act in furtherance of an offense under Section 22.011, 22.021, or 42.072;

(2) communicates:

(A) directly with a protected individual or a member of the family or household in a threatening or harassing manner;

(B) a threat through any person to a protected individual or a member of the family or household; or

(C) in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the violation is of an order described by this subsection and the order prohibits any communication with a protected individual or a member of the family or household;

(3) goes to or near any of the following places as specifically described in the order or condition of bond:

(A) the residence or place of employment or business of a protected individual or a member of the family or household; or

(B) any child care facility, residence, or school where a child protected by the order or condition of bond normally resides or attends;

(4) possesses a firearm; or

(5) harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order.

SECTION 6. Subsection (b), Section 25.07, Penal Code, is amended by adding Subdivisions (4), (5), and (6) to read as follows:

(4) "Sexual abuse" means any act as described by Section 21.02 or 21.11.

(5) "Sexual assault" means any act as described by Section 22.011 or 22.021.

(6) "Stalking" means any conduct that constitutes an offense under Section 42.072.

SECTION 7. The heading to Section 38.112, Penal Code, is amended to read as follows:

Sec. 38.112. VIOLATION OF PROTECTIVE ORDER ISSUED ON BASIS OF SEXUAL ASSAULT OR ABUSE, STALKING, OR TRAFFICKING.

SECTION 8. Subsection (a), Section 38.112, Penal Code, is amended to read as follows:

(a) A person commits an offense if, in violation of an order issued under Chapter 7A, Code of Criminal Procedure, the person knowingly:

(1) communicates;

(A) directly or indirectly with the applicant or any member of the applicant's family or household in a threatening or harassing manner; or

(B) in any manner with the applicant or any member of the applicant's family or household except through the applicant's attorney or a person appointed by the court;

(2) goes to or near the residence, place of employment or business, or child-care facility or school of the applicant or any member of the applicant's family or household; or

(3) possesses a firearm.

SECTION 9. The changes in law made by this Act in amending Sections 25.07 and 38.112, Penal Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 10. This Act takes effect September 1, 2013.

**S.B. No. 900**

AN ACT

relating to the amounts of the administrative, civil, and criminal penalties for violating certain statutes under the jurisdiction of, rules or orders adopted by, or licenses, permits, or certificates issued by the Railroad Commission of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.0531, Natural Resources Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The penalty may not exceed:

(1) \$10,000 a day for each violation that is not related to pipeline safety; or

(2) \$200,000 a day for each violation that is related to pipeline safety.

(b-1) Each day a violation continues may be considered a separate violation for purposes of penalty assessments, provided that the maximum penalty that may be assessed for any related series of violations related

to pipeline safety may not exceed \$2 million.

SECTION 2. Section 117.051, Natural Resources Code, is amended to read as follows:

Sec. 117.051. CIVIL PENALTY. A person who violates this chapter or a rule adopted by the commission under this chapter is subject to a civil penalty of not ~~[less than \$50 nor]~~ more than \$200,000 ~~[\$25,000]~~ for each act of violation and for each day of violation, provided that the maximum civil penalty that may be assessed for any related series of violations may not exceed \$2 million ~~[\$500,000]~~.

SECTION 3. Section 117.053, Natural Resources Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) An offense under this section is punishable by a fine of not more than \$2 million ~~[\$25,000]~~, confinement in the Texas Department of Criminal Justice for a term of not more than five years, or both such fine and imprisonment.

(c) In the prosecution of a defendant for multiple offenses under this section, all of the offenses are considered to be part of the same criminal episode, and as required by Section 3.03, Penal Code, the sentences of confinement shall run concurrently. Additionally, the cumulative total of fines imposed under this section may not exceed the maximum amount imposed on conviction of a single offense under this section.

SECTION 4. Section 117.054, Natural Resources Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) An offense under this section is punishable by a fine of not more than \$2 million ~~[\$25,000]~~, confinement in the Texas Department of Criminal Justice for a term of not more than five ~~[15]~~ years, or both such fine and imprisonment.

(c) In the prosecution of a defendant for multiple offenses under this section, all of the offenses are considered to be part of the same criminal episode, and as required by Section 3.03, Penal Code, the sentences of confinement shall run concurrently. Additionally, the cumulative total of fines imposed under this section may not exceed the maximum amount imposed on conviction of a single offense under this section.

SECTION 5. Section 121.007, Utilities Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person who owns or operates ~~[operating]~~ a natural gas pipeline, a liquefied natural gas pipeline, or an underground storage facility is not a gas utility if the person certifies to the railroad commission that the person uses the pipeline or underground storage facility solely to deliver natural gas or liquefied natural gas or the constituents of natural gas or liquefied natural gas:

(1) to a liquefied natural gas marine terminal;

(2) from a liquefied natural gas marine terminal to the owner of the gas or another person on behalf of the owner of the gas;

(3) that is acquired, liquefied, or sold by the person as necessary for the operation or maintenance of its facility that is excluded as a gas utility under this section; or

(4) that has been stored for export.

(c) This section does not create an exception to the applicability of a pipeline safety requirement provided under this chapter or a penalty for a violation of such a requirement.

SECTION 6. Section 121.204, Utilities Code, is amended to read as follows:

Sec. 121.204. CIVIL PENALTY. Each day of each violation of a safety standard adopted under this subchapter is subject to a civil penalty of not more than \$200,000 ~~[\$25,000]~~, except that the maximum penalty that may be assessed for any related series of violations may not exceed \$2 million ~~[\$500,000]~~. The penalty is payable to the state.

SECTION 7. Subsection (b), Section 121.206, Utilities Code, is amended to read as follows:

(b) The penalty for each violation may not exceed \$200,000 ~~[\$10,000]~~. Each day a violation continues may be considered a separate violation for the purpose of penalty assessment, provided that the maximum penalty that may be assessed for any related series of violations may not exceed \$2 million.

SECTION 8. Section 121.302, Utilities Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A gas utility is subject to a civil penalty if the gas utility:

- (1) violates this chapter;
- (2) fails to perform a duty imposed by this chapter; or
- (3) fails to comply with an order of the railroad commission if the order is not stayed or suspended by a court order.

(a-1) A penalty under this section is payable to the state and shall be:

(1) not less than \$100 and not more than \$1,000 for each violation or failure that is not related to pipeline safety;  
or

(2) not more than \$200,000 for each violation or failure that is related to pipeline safety, provided that the maximum penalty that may be assessed for any related series of violations related to pipeline safety may not exceed \$2 million.

SECTION 9. Subsection (b), Section 121.304, Utilities Code, is amended to read as follows:

(b) The penalty for each violation or failure that is not related to pipeline safety may not exceed \$10,000 a day. The penalty for each violation or failure that is related to pipeline safety may not exceed \$200,000 a day. Each day a violation continues may be considered a separate violation for purposes of penalty assessment, provided that the maximum penalty that may be assessed for any related series of violations related to pipeline safety may not exceed \$2 million.

SECTION 10. Section 121.310, Utilities Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) An offense under this section that is not related to pipeline safety is punishable by a fine of not less than \$50 and not more than \$1,000. An offense under this section that is related to pipeline safety is punishable by a fine of not more than \$2 million. In addition to the fine, the offense may be punishable by confinement in jail for not less than 10 days nor more than six months.

(c) In the prosecution of a defendant for multiple offenses under this section, all of the offenses related to pipeline safety are considered to be part of the same criminal episode, and as required by Section 3.03, Penal Code, the sentences of confinement shall run concurrently. Additionally, the cumulative total of fines imposed under this section for offenses related to pipeline safety may not exceed the maximum amount imposed on conviction of a single offense under this section.

SECTION 11. The changes in law made by this Act apply only to a violation committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, a violation was committed before the effective date of this Act if any element of the violation was committed before that date.

SECTION 12. This Act takes effect September 1, 2013.

**S.B. No. 946**

AN ACT

relating to the right to terminate a lease and avoid liability by a victim of certain sexual offenses or stalking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 92.0161, Property Code, is amended to read as follows:

Sec. 92.0161. RIGHT TO VACATE AND AVOID LIABILITY FOLLOWING CERTAIN SEX OFFENSES OR STALKING.

SECTION 2. Section 92.0161, Property Code, is amended by amending Subsections (b), (c), (d), and (g) and adding Subsections (c-1), (i), and (j) to read as follows:

(b) A tenant may terminate the tenant's rights and obligations under a lease and may vacate the dwelling and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the dwelling before the end of the lease term after the tenant complies with Subsection (c) or (c-1).

(c) If the tenant is a victim [~~of sexual assault~~] or a parent or guardian of a victim of sexual assault under Section 22.011, Penal Code, aggravated sexual assault under Section 22.021, Penal Code, indecent with a child under Section 21.11, Penal Code, sexual performance by a child under Section 43.25, Penal Code, [~~or~~] continuous sexual abuse of a child under Section 21.02, Penal Code, or an attempt to commit any of the foregoing offenses



under Section 15.01, Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, the tenant shall provide to the landlord or the landlord's agent a copy of:

- (1) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed health care services provider who examined the victim;
- (2) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed mental health services provider who examined or evaluated the victim;
- (3) documentation of the assault or abuse, or attempted assault or abuse, of the victim from an individual authorized under Chapter 420, Government Code, who provided services to the victim; or
- (4) documentation of a protective order issued under Chapter 7A, Code of Criminal Procedure, except for a temporary ex parte order.

(c-1) If the tenant is a victim or a parent or guardian of a victim of stalking under Section 42.072, Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, the tenant shall provide to the landlord or the landlord's agent a copy of:

- (1) documentation of a protective order issued under Chapter 7A or Article 6.09, Code of Criminal Procedure, except for a temporary ex parte order; or
- (2) documentation of the stalking from a provider of services described by Subsection (c)(1), (2), or (3) and:
  - (A) a law enforcement incident report; or
  - (B) if a law enforcement incident report is unavailable, another record maintained in the ordinary course of business by a law enforcement agency.

(d) A tenant may exercise the rights to terminate the lease under Subsection (b), vacate the dwelling before the end of the lease term, and avoid liability beginning on the date after all of the following events have occurred:

- (1) the tenant provides a copy of the relevant documentation described by Subsection (c) or (c-1) to the landlord;
- (2) the tenant provides written notice of termination of the lease to the landlord on or before the 30th day before the date the lease terminates;
- (3) the 30th day after the date the tenant provided notice under Subdivision (2) expires; and
- (4) the tenant vacates the dwelling.

(g) A tenant who terminates a lease under Subsection (b) is released from all liability for any delinquent, unpaid rent owed to the landlord by the tenant on the effective date of the lease termination if the lease does not contain language substantially equivalent to the following:

"Tenants may have special statutory rights to terminate the lease early in certain situations involving certain sexual offenses or stalking [~~assault or sexual abuse~~]."

(i) For purposes of Subsections (c) and (c-1), a tenant who is a parent or guardian of a victim described by those subsections must reside with the victim to exercise the rights established by this section.

(j) A person who receives information under Subsection (c), (c-1), or (d) may not disclose the information to any other person except for a legitimate or customary business purpose or as otherwise required by law.

SECTION 3. This Act takes effect January 1, 2014.

**S.B. No. 966**

AN ACT

relating to creation of the Judicial Branch Certification Commission and the consolidation of judicial profession regulation; imposing penalties; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. JUDICIAL BRANCH CERTIFICATION COMMISSION

SECTION 1.01. Title 2, Government Code, is amended by adding Subtitle K to read as follows:

SUBTITLE K. COURT PROFESSIONS REGULATION

CHAPTER 151. GENERAL PROVISIONS

Sec. 151.001. DEFINITIONS. In this subtitle:

- (1) "Certification" means a certification issued by the commission.
- (2) "Commission" means the Judicial Branch Certification Commission.



(3) “Director” means the administrative director of the office.

(4) “License” means a license issued by the commission.

(5) “Office” means the Office of Court Administration of the Texas Judicial System.

(6) “Registration” means a registration issued by the commission.

(7) “Regulated person” means a person who holds a certification, registration, or license issued by the commission.

## CHAPTER 152. JUDICIAL BRANCH CERTIFICATION COMMISSION

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 152.001. SUNSET PROVISION. The Judicial Branch Certification Commission is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2019 and every 12th year after 2019 are reviewed.

### SUBCHAPTER B. COMMISSION

Sec. 152.051. ESTABLISHMENT OF COMMISSION. The Judicial Branch Certification Commission is established to oversee the regulatory programs assigned to it by state law or by the supreme court.

Sec. 152.052. APPOINTMENT OF COMMISSION. (a) The commission consists of nine members appointed by the supreme court as follows:

(1) five judges, at least three of whom must be active judges who preside over a court that employs an official court reporter; and

(2) four public members.

(b) Subject to Subsection (d), public members of the commission are appointed as follows:

(1) one member selected by the supreme court from a list of nominees submitted by the Court Reporters Certification Advisory Board established under Section 154.051 to represent that advisory board;

(2) one member selected by the supreme court from a list of nominees submitted by the Guardianship Certification Advisory Board established under Section 155.051 to represent that advisory board;

(3) one member selected by the supreme court from a list of nominees submitted by the Process Server Certification Advisory Board established under Section 156.051 to represent that advisory board; and

(4) one member selected by the supreme court from a list of nominees submitted by the licensed court interpreter advisory board established under Section 157.051 to represent that advisory board.

(c) In making an appointment under Subsection (b), the supreme court may reject one or more of the nominees included on a list submitted by an advisory board and request a new list of nominees that does not include any nominees in the previous list.

(d) The supreme court may appoint to the commission a public member selected by the supreme court if:

(1) an advisory board fails to provide the list of nominees in the time required by the supreme court; or

(2) a selected nominee does not otherwise meet the qualifications required by this chapter.

(e) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(f) A member appointed to the commission must be knowledgeable about the professions certified by the commission.

Sec. 152.053. CONFLICT PROVISIONS. (a) In this section, “Texas trade association” means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person is not eligible for appointment as a member of the commission if the person or the person’s spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the commission;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the commission; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

(c) A person may not serve as a member of the commission or act as the general counsel to the commission

if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(d) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the legal profession; or  
(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the legal profession.

Sec. 152.054. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) this subtitle and the rules of the commission, with an emphasis on the rules that relate to the commission's disciplinary and investigatory authority;

(2) rules of ethics, codes of conduct, and other rules adopted by the supreme court that are applicable to each profession regulated or subject to oversight by the commission;

(3) the role and functions of the commission;

(4) the current budget for the commission;

(5) the results of the most recent formal audit of the commission; and

(6) any ethics policies applicable to the commission and adopted by the commission or supreme court.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 152.055. TERMS; VACANCY; REMOVAL. (a) Members of the commission serve staggered six-year terms. The terms of three members expire on February 1 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the supreme court shall appoint a similarly qualified person to fill the unexpired term.

(c) The supreme court may remove a member of the commission for inefficiency or neglect of duty in office.

Sec. 152.056. PRESIDING OFFICER. The supreme court shall designate a member of the commission as presiding officer of the commission to serve in that capacity at the pleasure of the supreme court.

Sec. 152.057. COMPENSATION; REIMBURSEMENT. (a) A commission member may not receive compensation for service on the commission.

(b) A commission member is entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in performing functions as a commission member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

Sec. 152.058. MEETINGS. (a) The commission shall meet at least once in each quarter of the fiscal year.

(b) The commission may meet at other times at the call of the presiding officer or as provided by commission rules.

Sec. 152.059. PUBLIC TESTIMONY. The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

#### SUBCHAPTER C. ADMINISTRATION

Sec. 152.101. RULES. The supreme court may adopt rules consistent with this subtitle, including rules governing the certification, registration, licensing, and conduct of persons regulated under this subtitle. The supreme court may authorize the commission to adopt rules as the supreme court considers appropriate or as otherwise specified under this subtitle.

Sec. 152.102. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. (a) Subject to any rules related to ethics or professional conduct promulgated by the supreme court, the supreme court may not adopt rules restricting advertising or competitive bidding by a holder of a certification, registration, or license except

to prohibit false, misleading, or deceptive practices.

(b) In its rules to prohibit false, misleading, or deceptive practices, the supreme court may not include a rule that:

(1) restricts the use of any medium for advertising;

(2) restricts the use of a regulated person's personal appearance or voice in an advertisement;

(3) relates to the size or duration of an advertisement by the regulated person; or

(4) restricts the regulated person's advertisement under a trade name.

Sec. 152.103. ADMINISTRATIVE ATTACHMENT. (a) The commission is administratively attached to the office.

(b) Notwithstanding any other law, the office shall:

(1) provide administrative assistance, services, and materials to the commission, including budget planning and purchasing;

(2) accept, deposit, and disburse money made available to the commission;

(3) reimburse the travel expenses and other actual and necessary expenses of commission members incurred in the performance of official commission duties, as provided by the General Appropriations Act; and

(4) provide the commission with adequate computer equipment and support.

Sec. 152.104. DIRECTOR. The director shall:

(1) perform any duty assigned by the commission and other duties specified by law; and

(2) administer and enforce the commission's programs.

Sec. 152.105. DIVISION OF RESPONSIBILITIES. The commission shall develop and implement policies that clearly separate the policy-making responsibilities of the commission and the management responsibilities of the director and the staff of the office.

Sec. 152.106. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Sec. 152.107. INFORMATION ON STANDARDS OF CONDUCT. The director or the director's designee shall provide to members of the commission and to office employees, as often as necessary, information regarding the requirements for service or employment under this subtitle, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 152.108. PUBLIC INTEREST INFORMATION. (a) The commission shall prepare information of public interest describing the functions of the commission under this subtitle and the procedure by which complaints are filed and resolved under this subtitle.

(b) The commission shall make the information available to the public and appropriate state agencies.

Sec. 152.109. COMPLAINTS. (a) The commission shall establish methods by which consumers are notified of the name, mailing address, and telephone number of the commission for the purpose of directing complaints about persons regulated under this subtitle to the commission.

(b) The commission shall list with its regular telephone number any toll-free telephone number established under other state law that may be called to present a complaint about a person regulated under this subtitle.

Sec. 152.110. RECORDS OF COMPLAINTS. (a) The commission shall maintain a file on each written complaint filed with the commission under this subtitle. The file must include:

(1) the name of the person who filed the complaint;

(2) the date the complaint is received by the commission;

(3) the subject matter of the complaint;

(4) the name of each person contacted in relation to the complaint;

(5) a summary of the results of the review or investigation of the complaint; and

(6) an explanation of the reason the file was closed, if the commission closed the file without taking action other than to investigate the complaint.

(b) The commission shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the commission's policies and procedures relating to complaint investigation and resolution. A person who reports a complaint by telephone shall be given information on how to file a written

complaint.

(c) The commission, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an ongoing investigation.

Sec. 152.111. COMPLAINT DISMISSAL. (a) The commission may adopt a policy allowing office employees to dismiss complaints that:

(1) clearly do not allege misconduct; or

(2) are not within the commission's jurisdiction.

(b) Office employees shall inform the commission of all dismissals made under this section.

(c) A person who files a complaint that is dismissed under this section may request that the commission reconsider the complaint.

Sec. 152.112. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The commission shall develop and implement a policy to encourage the use of appropriate alternative dispute resolution procedures to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The procedures relating to alternative dispute resolution under this section must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

#### SUBCHAPTER D. POWERS AND DUTIES

Sec. 152.151. GENERAL POWERS AND DUTIES. (a) The commission shall:

(1) administer and enforce this subtitle;

(2) in consultation with appropriate advisory boards, develop and recommend rules to the supreme court;

(3) in consultation with appropriate advisory boards, develop and recommend to the supreme court a code of ethics for each profession regulated under this subtitle;

(4) set fees in amounts reasonable and necessary to cover the costs of administering the programs or activities administered by the commission, including examinations and issuance and renewal of certifications, registrations, and licenses; and

(5) in consultation with appropriate advisory boards, establish qualifications for certification, registration, and licensing under this subtitle.

(b) The commission may:

(1) require applicants for certification, registration, or licensing under this subtitle to pass an examination that is developed and administered by the commission, or by the commission in conjunction with a person with whom the commission contracts to develop and administer the examination, and charge fees for the examination;

(2) require regulated persons to obtain continuing education; and

(3) appoint necessary committees.

Sec. 152.152. ADVISORY BOARDS. (a) In addition to the advisory boards specifically established under this subtitle, the commission may establish other advisory boards to advise the commission on policy and persons regulated under this subtitle.

(b) An advisory board established under this subtitle, including under this section, shall meet at least once each year and at the call of the presiding officer.

(c) An advisory board established under this subtitle, including under this section, shall assist the commission by developing and recommending rules to the commission. The advisory board may establish subcommittees to fulfill the duties imposed under this subsection.

(d) An advisory board member serves without compensation but is entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in performing functions as an advisory board member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

#### SUBCHAPTER E. CERTIFICATION, REGISTRATION, AND LICENSING REQUIREMENTS

Sec. 152.201. EXAMINATIONS. (a) Not later than the 30th day after the date a person takes an examination, the commission shall notify the person of the results of the examination.

(b) If the examination is graded or reviewed by a testing service:

(1) the commission shall notify the person of the results of the examination not later than the 30th day after the



date the commission receives the results from the testing service; and  
(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the commission shall notify the person of the reason for the delay before the 90th day.

(c) The commission may require a testing service to:

(1) notify a person of the results of the person's examination; or

(2) collect a fee for administering an examination from a person taking the examination.

(d) If requested in writing by a person who fails an examination, the commission shall furnish the person with an analysis of the person's performance on the examination.

Sec. 152.202. ENDORSEMENT; RECIPROCITY. (a) The commission may waive any prerequisite to obtaining a certification, registration, or license for an applicant after reviewing the applicant's credentials and determining that the applicant holds a certification, registration, or license issued by another jurisdiction that has certification, registration, or licensing requirements substantially equivalent to those of this state.

(b) The commission may waive any prerequisite to obtaining a certification, registration, or license for an applicant who holds a certification, registration, or license issued by another jurisdiction with which this state has a reciprocity agreement. The commission may make an agreement, subject to the approval of the supreme court, with another state to allow for certification, registration, or licensing by reciprocity.

Sec. 152.203. RULES ON INELIGIBILITY. The supreme court shall adopt rules on applicants' ineligibility for certification, registration, or licensing under this subtitle based on the person's criminal history or other information that indicates the person lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license.

Sec. 152.204. CONTINUING EDUCATION. (a) The supreme court may authorize and the commission by rule may require continuing professional education for persons regulated under this subtitle.

(b) The rules for continuing professional education adopted by the commission may include standards relating to:

(1) reporting by regulated persons or by providers of continuing professional education;

(2) continuing professional education course content; and

(3) the minimum number of continuing professional education hours required.

(c) The commission by rule may exempt certain persons, including retired persons and persons with disabilities, from all or a portion of the continuing education requirements.

Sec. 152.205. CODE OF ETHICS. (a) The commission shall develop and recommend to the supreme court for adoption by rule a code of ethics for persons regulated under this subtitle. In developing the code of ethics, the commission may use the codes of ethics adopted by state or national associations as models.

(b) The commission shall publish the code of ethics after adoption by the supreme court.

(c) After publishing the code of ethics, the commission shall propose to the supreme court a rule stating that a person who violates the code of ethics is subject to an administrative penalty assessed under Chapter 153.

(d) The commission shall update the code of ethics as necessary to reflect changes in technology or other factors affecting a profession regulated under this subtitle.

## CHAPTER 153. COMMISSION ENFORCEMENT

### SUBCHAPTER A. GENERAL ENFORCEMENT PROVISIONS

Sec. 153.001. INVESTIGATIONS. The commission may conduct investigations as necessary to enforce the laws administered by the commission.

Sec. 153.002. SUBPOENAS. (a) The commission may issue a subpoena as provided by this section.

(b) The commission may request and, if necessary, compel by subpoena:

(1) the production for inspection and copying of records, documents, and other evidence relevant to the

investigation of an alleged violation of this subtitle, a law establishing a regulatory program administered by the commission, a rule adopted under this subtitle, or an order issued by the commission or director; and

(2) the attendance of a witness for examination under oath.

(c) A subpoena under this section may be issued throughout this state and may be served by any person designated by the commission or the director.

(d) The commission, acting through the attorney general, may bring an action to enforce a subpoena issued



under this section against a person who fails to comply with the subpoena.

(e) Venue for an action brought under this section is in a district court in:

(1) Travis County; or

(2) any county in which the commission may hold a hearing.

(f) The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Sec. 153.003. CEASE AND DESIST ORDER. The director may issue a cease and desist order if the director determines that the action is necessary to prevent a violation of:

(1) this subtitle;

(2) a law establishing a regulatory program administered by the commission; or

(3) a rule adopted under this subtitle or order issued by the commission or the director.

Sec. 153.004. DENIAL, REVOCATION, SUSPENSION, OR REFUSAL TO RENEW; REPRIMAND;

PROBATION. (a) The commission may deny, revoke, suspend, or refuse to renew a certification, registration, or license or may reprimand a regulated person for a violation of this subtitle, a law establishing a regulatory program administered by the commission, a rule adopted under this subtitle, or an order issued by the commission or director.

(b) The commission may place on probation a person whose certification, registration, or license is suspended.

If a certification, registration, or license suspension is probated, the commission may require the person to:

(1) report regularly to the commission on matters that are the basis of the probation;

(2) limit practice to the areas prescribed by the commission; or

(3) continue or review professional education until the person attains a degree of skill satisfactory to the commission in those areas that are the basis for the probation.

Sec. 153.005. INJUNCTION. (a) The commission may apply to a district court in any county for an injunction to restrain a violation of this subtitle or a rule adopted under this subtitle by a person.

(b) At the request of the commission, the attorney general shall initiate and conduct an action in a district court in the state's name to obtain an injunction under this section.

(c) If the state prevails in a suit under this section, the attorney general may recover on behalf of the state reasonable attorney's fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

#### SUBCHAPTER B. ADMINISTRATIVE PENALTY; ADMINISTRATIVE SANCTION

Sec. 153.051. IMPOSITION OF PENALTY. (a) The commission may impose an administrative penalty on a person regulated under this subtitle who violates this subtitle or a rule or standard adopted or order issued under this subtitle.

(b) A proceeding under this subchapter imposing an administrative penalty may be combined with a proceeding to impose an administrative sanction otherwise imposed under this subtitle. If an administrative sanction is imposed in a proceeding under this subchapter, the requirements of this subchapter apply to the imposition of the sanction.

Sec. 153.052. AMOUNT OF PENALTY. (a) The amount of an administrative penalty may not exceed \$500 for each violation, and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) The amount shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the threat to health or safety caused by the violation;

(3) any previous violations;

(4) the amount necessary to deter a future violation;

(5) whether the violator demonstrated good faith, including when applicable whether the violator made good faith efforts to correct the violation; and

(6) any other matter that justice may require.

Sec. 153.053. REPORT AND NOTICE OF VIOLATION, PENALTY, AND SANCTION. (a) The commission shall:

(1) appoint a committee of advisory board members to review a complaint, make the initial determination on

whether a violation occurred, and recommend the imposition of a penalty, a sanction, or both for violations;  
(2) review the determination and recommendation of the committee and accept or revise as necessary the determination and recommendation; and  
(3) give to the person who is the subject of the complaint written notice by certified mail of the commission's determination on whether a violation occurred and each recommended penalty or sanction, if any.

(b) The notice required under Subsection (a) must:

(1) include a brief summary of the alleged violation;

(2) state the amount of any recommended penalty;

(3) state any recommended sanction; and

(4) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, the imposition of the sanction, or any combination.

Sec. 153.054. PENALTY PAID, SANCTION ACCEPTED, OR HEARING REQUESTED. (a) Not later than the 20th day after the date the person receives the notice sent under Section 153.053, the person in writing may:

(1) accept the determination of the commission and recommended penalty or sanction; or

(2) make a request for a hearing on the occurrence of the violation, the imposition or amount of the penalty, the imposition of the sanction, or any combination.

(b) If the person accepts the determination and recommended penalty or sanction or if the person fails to respond to the notice, the commission by order shall approve the determination and impose the recommended penalty or sanction.

Sec. 153.055. NOTICE; HEARING. (a) If the person requests a hearing, the commission shall give to the person written notice of the hearing that includes the time, place, legal authority, and jurisdiction under which the hearing is held and the laws and rules related to the violation.

(b) The person may appear, present evidence, and respond to questions from the commission at the hearing.

(c) The commission shall make findings of fact and conclusions of law and promptly issue an order on the occurrence of the violation, the amount of any penalty imposed, and the imposition of any sanction. The commission shall give the person notice of the order.

(d) On approval of the supreme court, the commission may adopt rules governing the hearing, including rules on appearance by telephone.

(e) The presiding officer of the commission may hold prehearing conferences.

(f) The notice of the commission's order under Subsection (c) must include a statement of the right of the person to appeal the order under Section 153.058.

(g) On request of the commission, at least one member of the applicable advisory board committee shall attend the hearing to consult with the commission on the reasons for the advisory board committee's recommendations under Section 153.053(a).

(h) At the hearing, the commission shall apply the general rules of evidence applicable in a district court, except that the commission may admit and consider any information the commission determines is relevant, trustworthy, and necessary for a full and fair adjudication and determination of fact or law.

Sec. 153.056. OPTIONS FOLLOWING DECISION: PAY, ACCEPT, OR APPEAL. Not later than the 30th day after the date the order of the commission imposing an administrative penalty or sanction under Section 153.055 becomes final, the person shall:

(1) pay the penalty or accept the sanction; or

(2) file an appeal of the commission's order contesting the occurrence of the violation, the imposition or amount of the penalty, the imposition of the sanction, or any combination.

Sec. 153.057. COLLECTION OF PENALTY. (a) If the person does not pay the penalty and the enforcement of the penalty is not stayed in accordance with supreme court rules, the penalty may be collected.

(b) The attorney general may sue to collect the penalty and may recover reasonable expenses, including attorney's fees, incurred in recovering the penalty.

(c) A penalty collected under this subchapter shall be deposited in the state treasury in the general revenue fund.

Sec. 153.058. APPEAL OF DECISION. (a) The supreme court shall adopt rules governing appeals under this subchapter.

(b) The rules must require the appeal to be made to a special committee consisting of three regional presiding judges. If the alleged violation involves a certified guardian, the committee must consist of two regional presiding judges and the presiding judge of the statutory probate courts.

(c) An appeal must be filed not later than the 30th day after the date the commission's order is issued.

(d) The special committee shall consider the appeal under an abuse of discretion standard of review for all issues except issues involving questions of law. The standard of review for issues involving questions of law is de novo.

(e) The special committee may confer in writing with a certification, registration, or license holder who is in the same profession as the person appealing the commission's order if the special committee provides to the person:

(1) notice of the special committee's request for information; and

(2) a copy of the certification, registration, or license holder's response.

(f) If the special committee sustains the finding that a violation occurred, the special committee may:

(1) uphold or reduce the amount of any penalty and order the person to pay the full or reduced amount of the penalty; and

(2) uphold or reduce any sanction and order the imposition of the sanction.

(g) If the special committee does not sustain the finding that a violation occurred, the special committee shall order that a penalty is not owed and that a sanction may not be imposed.

Sec. 153.059. REMITTANCE OF PENALTY AND INTEREST. (a) If the person paid the penalty and if the amount of the penalty is reduced or the penalty is not upheld by the special committee, the special committee shall order that the appropriate amount plus accrued interest be remitted to the person not later than the 30th day after the date the judgment of the special committee becomes final.

(b) The interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank.

(c) The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

## CHAPTER 154. COURT REPORTERS CERTIFICATION AND SHORTHAND REPORTING FIRMS REGISTRATION

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 154.001. DEFINITIONS. (a) In this chapter:

(1) "Advisory board" means the Court Reporters Certification Advisory Board.

(2) "Certification" means, notwithstanding Section 151.001, a certification issued by the supreme court on the commission's recommendation.

(3) "Official court reporter" means the shorthand reporter appointed by a judge as the official court reporter.

(4) "Shorthand reporter" and "court reporter" mean a person who engages in shorthand reporting.

(5) "Shorthand reporting" and "court reporting" mean the practice of shorthand reporting for use in litigation in the courts of this state by making a verbatim record of an oral court proceeding, deposition, or proceeding before a grand jury, referee, or court commissioner using written symbols in shorthand, machine shorthand, or oral stenography.

(6) "Shorthand reporting firm," "court reporting firm," and "affiliate office" mean an entity wholly or partly in the business of providing court reporting or other related services in this state.

(b) For purposes of Subsection (a)(6), a court reporting firm, shorthand reporting firm, or affiliate office is considered to be providing court reporting or other related services in this state if:

(1) any act that constitutes a court reporting service or shorthand reporting service occurs wholly or partly in this state;

(2) the firm or affiliate office recruits a resident of this state through an intermediary located inside or outside of this state to provide court reporting services, shorthand reporting services, or other related services in this state;  
or

(3) the firm or affiliate office contracts with a resident of this state by mail or otherwise and either party is to perform court reporting services, shorthand reporting services, or other related services wholly or partly in this state.

Sec. 154.002. RULES. The supreme court may adopt rules consistent with this subtitle, including rules governing:

- (1) the certification and conduct of official and deputy court reporters and shorthand reporters; and
- (2) the registration and conduct of court reporting and shorthand reporting firms.

SECTION 1.02. Chapter 154, Government Code, as added by this Act, is amended by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. COURT REPORTERS CERTIFICATION ADVISORY BOARD

SECTION 1.03. Sections 52.011 and 52.0111, Government Code, are transferred to Subchapter B, Chapter 154, Government Code, as added by this Act, redesignated as Sections 154.051 and 154.052, Government Code, and amended to read as follows:

Sec. 154.051 [52.011]. ORGANIZATION. (a) The Court Reporters Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least seven members appointed by the supreme court as follows [and is composed of]:

- (1) one active district judge presiding over a court that employs an official court reporter [who serves as chairman];
- (2) one [two] active attorney [attorneys] licensed in this state who has [have] been a practicing member [members] of the State Bar for more than the five years immediately preceding the attorney's [their] appointment to the advisory board;
- (3) two active official court reporters who have practiced shorthand reporting in this state for more than the five years immediately preceding their appointment to the advisory board;
- (4) two active certified shorthand reporters who work on a freelance basis and who have practiced shorthand reporting for more than the five years immediately preceding their appointment to the advisory board; and
- (5) one representative of a shorthand reporting firm [that is not owned by a certified shorthand reporter and] that has operated as a shorthand reporting firm in this state for more than the three years immediately preceding the representative's appointment to the advisory board[;
- [6] one representative of a shorthand reporting firm that is owned by a certified shorthand reporter and that has operated as a shorthand reporting firm in this state for more than the three years immediately preceding the representative's appointment to the board; and
- [7] four members who are representatives of the general public].

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) The advisory board member appointed under Subsection (a)(1) serves as presiding officer of the advisory board. [A person may not be a member of the board or act as the general counsel to the board if the person is:

- [1] required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the board; or
- [2] an owner, officer, or employee of a school or institution engaged in instructing persons in shorthand reporting skills.]

(d) A majority of the advisory board constitutes a quorum. [In this subsection, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest. A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

- [1] the person is an officer, employee, or paid consultant of a Texas trade association in the field of shorthand reporting; or
- [2] the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of shorthand reporting.]

(e) Advisory board [A person may not be a public member of the board if the person or the person's spouse:

- [1] is a judge;



~~[(2) is licensed to practice law in this state;  
(3) is registered or certified by the board;  
(4) is an elected public official;  
(5) is a full-time governmental employee;  
(6) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the board;  
(7) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the board; or  
(8) uses or receives a substantial amount of tangible goods, services, or money from the board other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.  
(f) Board] members serve staggered six-year terms of office as ordered by the supreme court~~], with the terms of two or three members expiring on December 31 of each year].~~  
(f) ~~[(g) A member holds office until that member's successor is appointed and has qualified for office. A board member may not be appointed to an immediately succeeding term unless the member has served less than three consecutive years.~~~~

~~[(h) If a vacancy occurs on the advisory board, the supreme court shall appoint a similarly qualified person to serve the remainder of the term.~~

~~(g) Advisory board [(i) Board] members serve without compensation but are entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in the performance of official advisory [traveling and performing official] board duties, as provided by the General Appropriations Act.~~

Sec. 154.052 ~~[52.011]~~. ADVISORY BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the advisory board may not vote, deliberate, or be counted as a member in attendance at a meeting of the advisory board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) this chapter ~~[the legislation that created the board]~~;

(2) ~~[the programs operated by the board;~~

~~[(3)] the role and functions of the advisory board;~~

(3) ~~[(4)] the rules of the commission [board], with an emphasis on the rules that relate to disciplinary and investigatory authority; and~~

(4) ~~[(5) the current budget for the board;~~

~~[(6) the results of the most recent formal audit of the board;~~

~~[(7) the requirements of:~~

~~[(A) the open meetings law, Chapter 551;~~

~~[(B) the public information law, Chapter 552;~~

~~[(C) the administrative procedure law, Chapter 2001; and~~

~~[(D) other laws relating to public officials, including conflict-of-interest laws; and~~

~~[(8)] any applicable ethics policies adopted by the commission [board or the Texas Ethics Commission].~~

(c) A person appointed to the advisory board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 1.04. Subchapter C, Chapter 52, Government Code, is transferred to Chapter 154, Government Code, as added by this Act, redesignated as Subchapter C, Chapter 154, Government Code, and amended to read as follows:

#### SUBCHAPTER C. CERTIFICATION AND REGISTRATION

Sec. 154.101 ~~[52.021]~~. CERTIFICATION OF REPORTERS. (a) A person may not be appointed an official court reporter or a deputy court reporter unless the person is certified as a shorthand reporter by the supreme court.

(b) A person may not engage in shorthand reporting in this state unless the person is certified as a shorthand reporter by the supreme court.

(c) A certification issued under this chapter must be for one or more of the following methods of shorthand



reporting:

- (1) written shorthand;
- (2) machine shorthand;
- (3) oral stenography; or

(4) any other method of shorthand reporting authorized by the supreme court.

(d) A person certified under state law as a court reporter ~~[this chapter]~~ before September 1, 1983, may retain a general certification authorizing the person to use any authorized method of shorthand reporting. The person must keep the certification in continuous effect.

(e) A person may not assume or use the title or designation “court recorder,” “court reporter,” or “shorthand reporter,” or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated by a noncertified court reporter pursuant and according to rules adopted or approved by the supreme court.

(f) Except as provided by Section 154.112 ~~[52.031]~~ and by Section 20.001, Civil Practice and Remedies Code, all depositions conducted in this state must be recorded by a certified shorthand reporter.

(g) The commission ~~[board]~~ may enforce this section by seeking an injunction or by filing a complaint against a person who is not certified by the supreme court in the district court of the county in which that person resides or Travis County. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. The commission ~~[board]~~ shall be represented by the attorney general and/or the county or district attorney of this state, or counsel designated and empowered by the commission ~~[board]~~.

(h) A court reporting firm shall register with the commission ~~[board]~~ by completing an application in a form adopted by the commission ~~[board]~~.

(i) Rules applicable to a court reporter are also applicable to a court reporting firm. The commission ~~[board]~~ may enforce this subsection by assessing a reasonable fee against a court reporting firm. This subsection does not apply to court reporting services performed outside of this state by a foreign shorthand reporter who is not certified in this state for use in a court proceeding in this state, provided that the work resulting from those services is produced and billed wholly outside of this state.

~~[Sec. 52.0211. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION. (a) Chapter 53, Occupations Code, applies to an applicant for or a holder of a certification or registration under this chapter, notwithstanding Section 53.002, Occupations Code.~~

~~[(b) The supreme court shall adopt rules necessary to comply with Chapter 53, Occupations Code.]~~

Sec. 154.102 ~~[52.022]~~. APPLICATION FOR EXAMINATION. A person seeking certification must file an application for examination with the commission ~~[board]~~ not later than the 30th day before the date fixed for the examination. The application must be accompanied by the required fee.

Sec. 154.103 ~~[52.023]~~. EXAMINATION. (a) The examination for certification in one or more of the authorized methods of shorthand reporting consists of two parts, designated Part A and Part B.

(b) Part A consists of five minutes of two-voice dictation of questions and answers given at 225 words per minute, five minutes of dictation of jury charges given at 200 words per minute, and five minutes of dictation of selected literary material given at 180 words per minute. Each applicant must personally take down the test material, either in writing or in voice, and must prepare a transcript of the material taken down. The minimum passing grade for each section of Part A is 95 percent. A dictionary may be used during Part A. Each applicant has three hours to complete the transcription of Part A. If an applicant finishes before the three hours have elapsed, the applicant may review the transcript but may use only the test material taken down by that applicant to review the transcript. An error is charged for:

- (1) each wrong word;
- (2) each omitted word;
- (3) each word added by the applicant that was not dictated;
- (4) each contraction interpreted by the applicant as two words;
- (5) two words interpreted by the applicant as a contraction;

- (6) each misplaced word;
- (7) each misplaced period that materially alters the sense of a group of words or a sentence;
- (8) each misspelled word;
- (9) the use of the plural or singular if the opposite was dictated; and
- (10) each wrong number.

(c) Part B consists of objective questions relating to elementary aspects of shorthand reporting, spelling, and grammar. The minimum passing grade for Part B is 75 percent. A dictionary may not be used during Part B.

(d) An applicant who cheats on the examination is disqualified and may not take the examination again until two years have elapsed from the date of the examination at which the applicant was disqualified.

~~[Sec. 52.0231. EXAMINATION RESULTS. (a) Not later than the 30th day after the date a person takes an examination under this chapter, the board shall notify the person of the results of the examination.~~

~~[(b) If the examination is graded or reviewed by a testing service:~~

~~[(1) the board shall notify the person of the results of the examination not later than the 30th day after the date the board receives the results from the testing service; and~~

~~[(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the board shall notify the person of the reason for the delay before the 90th day.~~

~~[(c) The board may require a testing service to notify a person of the results of the person's examination.~~

~~[(d) If requested in writing by a person who fails an examination administered under this chapter, the board shall furnish the person with an analysis of the person's performance on the examination.]~~

Sec. 154.104 [52.024]. CERTIFICATION TO SUPREME COURT. [(a)] The commission [board] shall certify to the supreme court the name of each qualified applicant who has passed the examination.

~~[Sec. 52.0241. RECIPROCAL CERTIFICATION OR CERTIFICATION BY ENDORSEMENT. (a) The board may waive any prerequisite to certification for an applicant after reviewing the applicant's credentials and determining that the applicant holds a license or certification issued by another jurisdiction that has licensing or certification requirements substantially equivalent to those of this state.~~

~~[(b) The board may waive any prerequisite to certification for an applicant who holds a license or certification issued by another jurisdiction with which this state has a reciprocity agreement. The board may make an agreement, subject to the approval of the supreme court, with another state to allow for certification by reciprocity.]~~

Sec. 154.105 [52.025]. TITLE; OATHS. (a) On certification, a shorthand reporter may use the title "Certified Shorthand Reporter" or the abbreviation "CSR."

(b) A certified shorthand reporter may administer oaths to witnesses anywhere in this state.

Sec. 154.106 [52.0255]. FIRM REGISTRATION. (a) A shorthand reporting firm may not assume or use the title or designation "court recording firm," "court reporting firm," or "shorthand reporting firm" or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the firm is a court reporting firm or shorthand reporting firm, or offer services as a court reporting firm or shorthand reporting firm, unless the firm and its affiliate offices are registered with the commission [board] on a form prescribed by the commission [board] as required by this subchapter [chapter].

(b) The commission [board] may enforce this section against a firm, its affiliate office, or both, if the firm or affiliate office is not registered with the commission [board], by seeking an injunction or by filing a complaint in the district court of the county in which the firm or affiliate office is located or in Travis County. An action for an injunction is in addition to any other action, proceeding, or remedy authorized by law. The attorney general, a county or district attorney of this state, or counsel designated and empowered by the commission [board] shall represent the commission [board].

Sec. 154.107 [52.026]. CERTIFICATION AND REGISTRATION FEE AND RENEWAL. (a) A person who receives certification as a shorthand reporter or a shorthand reporting firm or affiliate office that registers with the commission [board] must pay the initial fee and any other required fee before receiving the certification or registration.

(b) A certification or registration expires at 12:01 a.m. on January 1 following the second anniversary of the date on which it was issued unless the certification or registration is renewed. Thereafter, the certification or

registration expires at 12:01 a.m. of each second January 1 unless renewed.

(c) A person who is otherwise eligible to renew a certification or registration may renew an unexpired certification or registration by paying the required renewal fee to the commission [board] before the expiration date of the certification or registration. A person whose certification or registration has expired may not engage in activities that require a certification or registration until the certification or registration has been renewed.

(d) A person whose certification or registration has been expired for 90 days or less may renew the certification or registration by paying to the commission [board] a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(e) A person whose certification or registration has been expired for more than 90 days but less than one year may renew the certification or registration by paying to the commission [board] a renewal fee that is equal to two times the normally required renewal fee.

(f) A person whose certification or registration has been expired for one year or more may not renew the certification or registration. The person may obtain a new certification or registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original certification or registration.

(g) A person who was certified in this state, moved to another state, and is currently certified and has been in practice in the other state for the two years preceding the date of application may obtain a new certification without reexamination. The person must pay to the commission [board] a fee that is equal to two times the normally required renewal fee for the certification.

(h) Not later than the 30th day before the date a person's certification or registration is scheduled to expire, the commission [board] shall send written notice of the impending expiration to the person at the person's last known address according to the records of the commission [board].

Sec. 154.108 [~~52.0261~~]. STAGGERED RENEWAL OF CERTIFICATION OR REGISTRATION. The supreme court by rule may adopt a system under which certifications or registrations expire on various dates during the year. For the year in which the certification or registration expiration date is changed, the commission [board] shall prorate certification or registration fees on a monthly basis so that each certification or registration holder pays only that portion of the certification or registration fee that is allocable to the number of months during which the certification or registration is valid. On renewal of the certification or registration on the new expiration date, the total certification or registration renewal fee is payable.

Sec. 154.109 [~~52.027~~]. COMPLAINT. (a) To file a complaint against a certified shorthand reporter or a shorthand reporting firm or affiliate office registered with the commission [board], a person must:

- (1) have personal knowledge of the alleged violation;
- (2) complete a complaint form provided by the commission [board];
- (3) sign the completed form; and
- (4) attach any pertinent documentary evidence to the form.

(b) On receipt of a properly executed complaint, the commission [board] shall furnish a copy of the complaint and any attachments to the shorthand reporter or shorthand reporting firm or affiliate office that is the subject of the complaint.

(c) This section does not preclude the commission [board] or a court of this state from filing a complaint against a certified shorthand reporter or a shorthand reporting firm. An advisory board member may recommend to the commission a complaint to be filed against a certified shorthand reporter or a shorthand reporting firm or affiliated office registered with the commission.

[~~Sec. 52.0271. COMPLAINT DISMISSAL. (a) The board may adopt a policy allowing board employees to dismiss complaints that:~~

- ~~(1) clearly do not allege misconduct; or~~
- ~~(2) are not within the board's jurisdiction.~~

~~(b) Board employees shall inform the board of all dismissals made under this section.~~

~~(c) A person who files a complaint that is dismissed under this section may request that the board reconsider the complaint.~~

[~~Sec. 52.028. NOTICE AND HEARING. (a) If after receiving a verified complaint the board believes that a~~

hearing on the complaint is advisable, the board shall set a date for the hearing not later than the 30th day after the date on which the board received the complaint.

~~[(b) Immediately after setting the date for the hearing, the board shall notify the shorthand reporter or shorthand reporting firm or affiliate office that is the subject of the complaint. The notice must state the cause of any contemplated disciplinary action and the time and place of the hearing. The notice shall be mailed to the registered address of the shorthand reporter or shorthand reporting firm or affiliate office not later than the 30th day before the date on which the hearing is scheduled.~~

~~[(c) The chairman or the chairman's designee shall preside at the hearing.~~

~~[(d) At the hearing, the board shall apply the general rules of evidence applicable in a district court.~~

~~[(e) The board shall rule on requests for continuances with regard to the hearing.~~

~~[(f) At the direction of a majority of the board, each board member may administer oaths, subpoena witnesses and compel their attendance, take evidence, and require the production of records relating to a matter within the board's jurisdiction.~~

~~[(g) The board shall produce a written summary of the evidence before it and a written finding of facts. The board shall forward a copy of its findings of fact and rulings to the complainant and any aggrieved party.]~~

Sec. 154.110 [52.029]. DISCIPLINARY ACTIONS AGAINST COURT REPORTERS. (a) After receiving a complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Subchapter B, Chapter 153 [Section 52.028], the commission [board] shall revoke, suspend, or refuse to renew the shorthand reporter's certification or issue a reprimand to the reporter for:

- (1) fraud or corruption;
- (2) dishonesty;
- (3) wilful or negligent violation or failure of duty;
- (4) incompetence;
- (5) fraud or misrepresentation in obtaining certification;
- (6) a final conviction of a felony or misdemeanor that directly relates to the duties and responsibilities of a certified court reporter, as determined by supreme court rules [adopted under Section 52.0211];
- (7) engaging in the practice of shorthand reporting using a method for which the reporter is not certified;
- (8) engaging in the practice of shorthand reporting while certification is suspended;
- (9) unprofessional conduct, including giving directly or indirectly, benefiting from, or being employed as a result of any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year;
- (10) entering into or providing services under a prohibited contract described by Section 154.115 [52.034];
- (11) committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this subtitle [chapter]; or
- (12) other sufficient cause.

(b) The commission [board] may suspend the certification:

- (1) for a designated period of time not to exceed 12 months;
- (2) until the person corrects the deficiencies that were the grounds for the suspension; or
- (3) until the person complies with any conditions imposed by the commission [board] to ensure the person's future performance as a shorthand reporter.

(c) A suspended shorthand reporter may apply for reinstatement by presenting proof that:

- (1) the designated time has expired;
- (2) the person has corrected the deficiencies; or
- (3) the person has complied with the conditions imposed by the commission [board].

(d) On its own motion, the commission [board] may conduct a hearing to inquire into a suspension. If the commission [board] finds that a person has not corrected the deficiencies that were the grounds of the suspension or has not complied with the conditions imposed by the commission [board], the commission [board] may revoke the person's certification.

(e) The supreme court may authorize and the commission [board] may adopt rules relating to the nonrenewal of the certification of a court reporter who is in default on a loan guaranteed under Chapter 57, Education Code, by



the Texas Guaranteed Student Loan Corporation.

(f) The commission [board] may place on probation a person whose certification is suspended. If a certification suspension is probated, the commission [board] may require the person to:

- (1) report regularly to the commission [board] on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the commission [board]; or
- (3) continue or review professional education until the person attains a degree of skill satisfactory to the commission [board] in those areas that are the basis of the probation.

Sec. 154.111 [52.0295]. DISCIPLINARY ACTIONS AGAINST FIRMS. (a) After receiving a complaint and giving the shorthand reporting firm or affiliate office notice and an opportunity for a hearing as prescribed by Subchapter B, Chapter 153 [Section 52.028], the commission [board] shall reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew the registration of a shorthand reporting firm or affiliate office for:

- (1) fraud or corruption;
- (2) dishonesty;
- (3) conduct on the part of an officer, director, or managerial employee of the shorthand reporting firm or affiliate office if the officer, director, or managerial employee orders, encourages, or permits conduct that the officer, director, or managerial employee knows or should have known violates this subtitle [chapter];
- (4) conduct on the part of an officer, director, or managerial employee or agent of the shorthand reporting firm or affiliate office who has direct supervisory authority over a person for whom the officer, director, employee, or agent knows or should have known violated this subtitle [chapter] and knowingly fails to take reasonable remedial action to avoid or mitigate the consequences of the person's actions;
- (5) fraud or misrepresentation in obtaining registration;
- (6) a final conviction of an officer, director, or managerial employee of a shorthand reporting firm or affiliate office for a felony or misdemeanor that is directly related to the provision of court reporting services, as determined by supreme court rules [~~adopted under Section 52.0211~~];
- (7) engaging the services of a reporter that the shorthand reporting firm or affiliate office knew or should have known was using a method for which the reporter is not certified;
- (8) knowingly providing court reporting services while the shorthand reporting firm's or affiliate office's registration is suspended or engaging the services of a shorthand reporter whose certification the shorthand reporting firm or affiliate office knew or should have known was suspended;
- (9) unprofessional conduct, including a pattern of giving directly or indirectly or benefiting from or being employed as a result of giving any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year;
- (10) entering into or providing services under a prohibited contract described by Section 154.115 [52.034];
- (11) committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this subtitle [chapter]; or
- (12) other sufficient cause.

(b) Nothing in Subsection (a)(9) shall be construed to define providing value-added business services, including long-term volume discounts, such as the pricing of products and services, as prohibited gifts, incentives, or rewards.

(c) The commission [board] may suspend the registration of a shorthand reporting firm or affiliate office:

- (1) for a designated period of time;
- (2) until the shorthand reporting firm or affiliate office corrects the deficiencies that were the grounds for the suspension; or
- (3) until the shorthand reporting firm or affiliate office complies with any conditions imposed by the commission [board] to ensure the shorthand reporting firm's or affiliate office's future performance.

(d) A shorthand reporting firm or affiliate office whose registration is suspended may apply for reinstatement by presenting proof that:

- (1) the designated time has expired;



- (2) the shorthand reporting firm or affiliate office has corrected the deficiencies; or
- (3) the shorthand reporting firm or affiliate office has complied with the conditions imposed by the commission [board].
- (e) On its own motion, the commission [board] may conduct a hearing to inquire into a suspension. If the commission [board] finds that a shorthand reporting firm or affiliate office has not corrected the deficiencies that were the grounds for the suspension or has not complied with the conditions imposed by the commission [board], the commission [board] may revoke the registration of the shorthand reporting firm or affiliate office.
- (f) The commission [board] may place on probation a shorthand reporting firm or affiliate office whose registration is suspended. If a registration suspension is probated, the commission [board] may require the firm or office to:

- (1) report regularly to the commission [board] on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the commission [board]; or
- (3) through its officers, directors, managerial employees, or agents, continue or review professional education until those persons attain a degree of skill satisfactory to the commission [board] in those areas that are the basis of the probation.

~~[Sec. 52.030. APPEAL OF DISCIPLINARY ACTION. An aggrieved court reporter or shorthand reporting firm or affiliate office may appeal a disciplinary action of the board to a district court in the county of the court reporter's residence or the county in which the shorthand reporting firm or affiliate office is located or in Travis County. The appeal shall be by trial de novo, with or without a jury. If the aggrieved person is the official or deputy court reporter of the court in which the appeal will be heard or if the shorthand reporting firm or affiliate office provides the official or deputy court reporter of the court in which the appeal will be heard, the presiding judge of the administrative judicial region shall appoint the judge of another court or a retired judge to hear and determine the complaint.]~~

Sec. 154.112 [52.031]. EMPLOYMENT OF NONCERTIFIED SHORTHAND REPORTERS. (a) A noncertified shorthand reporter may be employed until a certified shorthand reporter is available.

(b) A noncertified shorthand reporter may report an oral deposition only if:

- (1) the noncertified shorthand reporter delivers an affidavit to the parties or to their counsel present at the deposition stating that a certified shorthand reporter is not available; or
- (2) the parties or their counsel stipulate on the record at the beginning of the deposition that a certified shorthand reporter is not available.

(c) This section does not apply to a deposition taken outside this state for use in this state.

Sec. 154.113 [52.032]. CRIMINAL PENALTY. (a) Except as provided by Section 154.112 [52.031], a person commits an offense if the person engages in shorthand reporting in violation of Section 154.101 [52.021 of this code]. Each day of violation constitutes a separate offense.

(b) An offense under this section is a Class A misdemeanor.

~~[Sec. 52.0321. ADMINISTRATIVE PENALTY. (a) The board may assess an administrative penalty against a person who violates this chapter or a rule or provision of the code of ethics adopted under this chapter.~~

~~[(b) In determining the amount of an administrative penalty assessed under this section, the board shall consider:~~

- ~~[(1) the seriousness of the violation;~~
- ~~[(2) the history of previous violations;~~
- ~~[(3) the amount necessary to deter future violations;~~
- ~~[(4) efforts made to correct the violation; and~~
- ~~[(5) any other matters that justice may require.]~~

Sec. 154.114 [52.033]. EXEMPTIONS. This chapter does not apply to:

- (1) a party to the litigation involved;
- (2) the attorney of the party; or
- (3) a full-time employee of a party or a party's attorney.

Sec. 154.115 [52.034]. PROHIBITED CONTRACTS. (a) A court reporter may not enter into or provide services under any contractual agreement, written or oral, exclusive or nonexclusive, that:

- (1) undermines the impartiality of the court reporter;
- (2) requires a court reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;
- (3) requires a court reporter to provide any service not made available to all parties to an action; or
- (4) gives or appears to give an exclusive advantage to any party.

(b) This section does not apply to a contract for court reporting services for a court, agency, or instrumentality of the United States or this state.

SECTION 1.05. Chapter 111, Government Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 155, Government Code, and amended to read as follows:

## CHAPTER 155 [111]. GUARDIANSHIP CERTIFICATION [BOARD]

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 155.001 [111.001]. DEFINITIONS. In this chapter:

(1) ~~“Advisory board” [“Administrative director” means the administrative director of the courts as appointed by Chapter 72.~~

~~[(2) “Board”] means the Guardianship Certification Advisory Board.~~

~~(2) [(3)] “Corporate fiduciary” has the meaning assigned by Section 601, Texas Probate Code.~~

~~(3) [(4) “Director” means the administrative officer of the board, as provided by Section 111.021.~~

~~[(5)] “Guardian” has the meaning assigned by Section 601, Texas Probate Code.~~

~~(4) [(6)] “Guardianship program” means a local, county, or regional program that provides guardianship and related services to an incapacitated person or other person who needs assistance in making decisions concerning the person’s own welfare or financial affairs.~~

~~(5) [(7)] “Incapacitated person” has the meaning assigned by Section 601, Texas Probate Code.~~

~~(6) [(8) “Office of Court Administration” means the Office of Court Administration of the Texas Judicial System.~~

~~[(9)] “Private professional guardian” means a person, other than an attorney or a corporate fiduciary, who is engaged in the business of providing guardianship services.~~

~~(7) [(10)] “Ward” has the meaning assigned by Section 601, Texas Probate Code.~~

Sec. 155.002 [111.002]. RULES. The supreme court may adopt rules consistent with this chapter, including rules governing the certification of individuals providing guardianship services.

~~[Sec. 111.003. SUNSET PROVISION. The board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2015.]~~

### SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 155.051 [111.051]. ADVISORY BOARD. (a) The Guardianship Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least five members appointed by the supreme court~~[-~~

~~[(1) 11 members appointed by the supreme court; and~~

~~[(2) four public members appointed by the supreme court from a list of nominees submitted by the governor].~~

~~(b) [The supreme court shall appoint members under Subsection (a)(1) from the different geographical areas of this state.~~

~~[(c) In making an appointment under Subsection (a)(2), the supreme court may reject one or more of the nominees on a list submitted by the governor and request a new list of different nominees.~~

~~[(d) To be eligible for appointment to the board other than as a public member, an individual must have demonstrated experience working with:~~

~~[(1) a guardianship program;~~

~~[(2) an organization that advocates on behalf of or in the interest of elderly individuals;~~

~~[(3) an organization that advocates on behalf of or in the interest of individuals with mental illness or mental retardation or individuals with physical disabilities; or~~

~~[(4) incapacitated individuals.~~

~~[(e) The public members of the board must be:~~

~~[(1) caretakers of individuals with mental illness or mental retardation or individuals with physical disabilities;~~  
~~or~~  
~~[(2) persons who advocate on behalf of or in the interest of individuals with mental illness or mental retardation or individuals with physical disabilities.~~  
~~[(f)] Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.~~  
~~(c) The supreme court shall appoint a presiding officer of the advisory board from among the advisory board members to serve for two years.~~  
~~(d) A majority of the advisory board constitutes a quorum.~~  
~~(e) Advisory board [(g) The] members [of the board] serve for staggered six-year terms as ordered by the supreme court[, with the terms of one-third of the members expiring on February 1 of each odd-numbered year].~~  
~~Advisory board [Board] members serve without compensation but are entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in the performance of official advisory board duties, as provided by the General Appropriations Act.~~  
~~[(h) The board shall elect from among its members a presiding officer and other officers considered necessary.~~  
~~[(i) The board shall meet at least quarterly at the call of the presiding officer.~~  
~~[(j) Any action taken by the board must be approved by a majority vote of the members present.~~  
~~[Sec. 111.012. ADMINISTRATIVE ATTACHMENT. (a) The board is administratively attached to the Office of Court Administration.~~  
~~[(b) Notwithstanding any other law, the Office of Court Administration shall:~~  
~~[(1) provide administrative assistance, services, and materials to the board, including budget planning and purchasing;~~  
~~[(2) accept, deposit, and disburse money made available to the board;~~  
~~[(3) pay the salaries and benefits of the director;~~  
~~[(4) reimburse the travel expenses and other actual and necessary expenses of the director incurred in the performance of a function of the board, as provided by the General Appropriations Act;~~  
~~[(5) reimburse the travel expenses and other actual and necessary expenses of board members incurred in the performance of official board duties, as provided by the General Appropriations Act; and~~  
~~[(6) provide the board with adequate computer equipment and support.~~  
~~[Sec. 111.013. ELIGIBILITY OF PUBLIC MEMBERS. A person is not eligible for appointment as a public member of the board if the person or the person's spouse:~~  
~~[(1) is certified by the board;~~  
~~[(2) is registered, certified, or licensed by a regulatory agency in the field of guardianship;~~  
~~[(3) is employed by or participates in the management of a business entity or other organization regulated by the board or receiving money from the Office of Court Administration;~~  
~~[(4) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the board or receiving money from the Office of Court Administration; or~~  
~~[(5) uses or receives a substantial amount of tangible goods, services, or funds from the Office of Court Administration.~~  
~~[Sec. 111.014. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.~~  
~~[(b) A person may not be a member of the board or may not be the director in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:~~  
~~[(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of guardianship; or~~  
~~[(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of guardianship.~~

~~[(c) A person may not be a member of the board if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the board.~~

~~[Sec. 111.015. GROUNDS FOR REMOVAL FROM BOARD. (a) It is a ground for removal from the board that a member:~~

~~[(1) does not have at the time of appointment the qualifications required by Section 111.011;~~

~~[(2) does not maintain during service on the board the qualifications required by Section 111.011;~~

~~[(3) is ineligible for membership under Section 111.013 or 111.014;~~

~~[(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or~~

~~[(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.~~

~~[(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.~~

~~[(c) If the director has knowledge that a potential ground for removal exists, the director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the chief justice of the supreme court that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer of the board, who shall then notify the chief justice of the supreme court that a potential ground for removal exists.~~

~~[Sec. 111.016. POWERS AND DUTIES OF BOARD. (a) The board is charged with the executive functions necessary to carry out the purposes of this chapter under rules adopted by the supreme court.~~

~~[(b) The board shall:~~

~~[(1) administer and enforce this chapter;~~

~~[(2) develop and recommend proposed rules and procedures to the supreme court as necessary to implement this chapter;~~

~~[(3) set the amount of each fee prescribed by Section 111.042, subject to the approval of the supreme court;~~

~~[(4) establish the qualifications for obtaining:~~

~~[(A) certification or recertification under Section 111.042; and~~

~~[(B) provisional certification under Section 111.0421;~~

~~[(5) issue certificates to:~~

~~[(A) individuals who meet the certification requirements of Section 111.042; and~~

~~[(B) individuals who meet the provisional certification requirements of Section 111.0421; and~~

~~[(6) perform any other duty required by this chapter or other law.~~

~~[(c) The board may appoint any necessary or proper subcommittee.~~

~~[(d) The board shall maintain:~~

~~[(1) a complete record of each board proceeding; and~~

~~[(2) a complete record of each certification, including a provisional certificate, issued, renewed, suspended, or revoked under this chapter.]~~

Sec. 155.052 [~~111.017~~]. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the advisory board may not vote, deliberate, or be counted as a member in attendance at a meeting of the advisory board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) this chapter;

(2) the role and functions of the advisory board; and

(3) [~~the current budget for the board;~~

~~[(4) the results of the most recent formal audit of the board; and~~

~~[(5)] any applicable ethics policies adopted by the commission [~~board~~].~~

[Sec. 111.018. USE OF TECHNOLOGY. The Office of Court Administration shall research and propose appropriate technological solutions to improve the board's ability to perform its functions. The technological solutions must:



[ (1) ensure that the public is able to easily find information about the board on the Internet;

[ (2) ensure that persons who want to use the board's services are able to:

[ (A) interact with the board through the Internet; and

[ (B) access any service that can be provided effectively through the Internet; and

[ (3) be cost-effective and developed through the board's planning processes.

[Sec. 111.019. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The board shall develop and implement a policy to encourage the use of appropriate alternative dispute resolution procedures to assist in the resolution of internal and external disputes under the board's jurisdiction.

[ (b) The procedures relating to alternative dispute resolution under this section must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

[Sec. 111.020. PUBLIC ACCESS. The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

[Sec. 111.021. DIRECTOR. (a) The administrative director shall employ a director from a list of candidates submitted by the board. The administrative director may request an additional list of candidates if the administrative director does not select any of the initial candidates recommended by the board.

[ (b) The list may contain the hiring preference of the board.

[ (c) The director is the administrative officer of the board and is charged with carrying out the duties and functions conferred on the director by the board, this subchapter, and other law.

[Sec. 111.022. DIVISION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the director.

[Sec. 111.023. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. The director shall provide to members of the board, as often as necessary, information regarding the requirements for office under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers.]

#### SUBCHAPTER C. REGULATION OF CERTAIN GUARDIANS

Sec. 155.101 [111.041]. STANDARDS FOR CERTAIN GUARDIANSHIPS AND ALTERNATIVES TO GUARDIANSHIP. (a) The commission [board] shall adopt minimum standards for:

(1) the provision of guardianship services or other similar but less restrictive types of assistance or services by:

(A) guardianship programs; and

(B) private professional guardians; and

(2) the provision of guardianship services by the Department of Aging and Disability Services.

(b) The commission [board] shall design the standards to protect the interests of an incapacitated person or other person needing assistance making decisions concerning the person's own welfare or financial affairs.

Sec. 155.102 [111.042]. CERTIFICATION REQUIRED FOR CERTAIN GUARDIANS. (a) To provide guardianship services in this state, the following individuals must hold a certificate issued under this section:

(1) an individual who is a private professional guardian;

(2) an individual who will provide those services to a ward of a private professional guardian on the guardian's behalf; and

(3) an individual, other than a volunteer, who will provide those services or other services under Section 161.114, Human Resources Code, to a ward of a guardianship program or the Department of Aging and Disability Services on the program's or department's behalf.

(b) An applicant for a certificate under this section must:

(1) apply to the commission [board] on a form prescribed by the commission [board]; and

(2) submit with the application a nonrefundable application fee in an amount determined by the commission [board], subject to the approval of the supreme court.

(c) The supreme court may adopt rules and procedures for issuing a certificate and for renewing, suspending, or revoking a certificate issued under this section. Any rules adopted by the supreme court under this section must:



- (1) ensure compliance with the standards adopted under Section 155.101 [HH.041];
  - (2) provide that the commission [board] establish qualifications for obtaining and maintaining certification;
  - (3) provide that the commission [board] issue certificates under this section;
  - (4) provide that a certificate expires on the second anniversary of the date the certificate is issued;
  - (5) prescribe procedures for accepting complaints and conducting investigations of alleged violations of the minimum standards adopted under Section 155.101 [HH.041] or other terms of the certification by certificate holders; and
  - (6) prescribe procedures by which the commission [board], after notice and hearing, may suspend or revoke the certificate of a holder who fails to substantially comply with appropriate standards or other terms of the certification.
- (d) If the requirements for issuing a certificate under this section include passage of an examination covering guardianship education requirements:
- (1) the commission [board] shall develop and the director shall administer the examination; or
  - (2) the commission [board] shall direct the director to contract with another person or entity the commission [board] determines has the expertise and resources to develop and administer the examination.
- (e) In lieu of the certification requirements imposed under this section, the commission [board] may issue a certificate to an individual to engage in business as a guardian or to provide guardianship services in this state if the individual:
- (1) submits an application to the commission [board] in the form prescribed by the commission [board];
  - (2) pays a fee in a reasonable amount determined by the commission [board], subject to the approval of the supreme court;
  - (3) is certified, registered, or licensed as a guardian by a national organization or association the commission [board] determines has requirements at least as stringent as those prescribed by the commission [board] under this subchapter; and
  - (4) is in good standing with the organization or association with whom the person is licensed, certified, or registered.
- (f) An employee of the Department of Aging and Disability Services who is applying for a certificate under this section to provide guardianship services to a ward of the department is exempt from payment of an application fee required by this section.
- (g) An application fee or other fee collected under this section shall be deposited to the credit of the guardianship certification account in the general revenue fund and may be appropriated only to the office [Office of Court Administration] for the administration and enforcement of this chapter.
- ~~[(h) The Texas Department of Licensing and Regulation shall advise and assist the board as necessary in administering the certification process established under this section.]~~

Sec. 155.103 [HH.042]. PROVISIONAL CERTIFICATE. (a) Notwithstanding Section 155.102(a) [HH.042(a)], the commission [board] may issue a provisional certificate to an individual who:

- (1) does not meet the qualifications for obtaining certification under Section 155.102 [HH.042]; and
  - (2) possesses the qualifications for provisional certification required by rules adopted by the supreme court.
- (b) An individual who holds a provisional certificate may provide guardianship services in this state only under the supervision of an individual certified under Section 155.102 [HH.042].
- (c) The supreme court may adopt rules and procedures for issuing a provisional certificate under this section that, at a minimum, must:
- (1) ensure compliance with the standards adopted under Section 155.101 [HH.041]; and
  - (2) provide that the commission [board] establishes qualifications for obtaining and maintaining the certification.

Sec. 155.104 [HH.043]. INFORMATION FROM PRIVATE PROFESSIONAL GUARDIANS. In addition to the information submitted under Section 697(e), Texas Probate Code, the director may require a private professional guardian or a person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian to submit information considered necessary to monitor the person's compliance with the applicable standards adopted under Section 155.101 [HH.041] or with the certification requirements of

Section 155.102 [~~HH.042~~].

Sec. 155.105 [~~HH.044~~]. ANNUAL DISCLOSURE. (a) Not later than January 31 of each year, each guardianship program shall provide to the commission [~~board~~] a report containing for the preceding year:

- (1) the number of wards served by the guardianship program reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the guardianship program;
- (2) the name, business address, and business telephone number of each individual employed by or volunteering or contracting with the guardianship program to provide guardianship services to a ward or proposed ward of the program;
- (3) the name of each county in which an individual described by Subdivision (2) provides or is authorized to provide guardianship services;
- (4) the total amount of money received from this state for the provision of guardianship services; and
- (5) the amount of money received from any other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

(b) Not later than January 31 of each year, each private professional guardian shall provide to the commission [~~board~~] a report containing for the preceding year:

- (1) the number of wards served by the private professional guardian reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the private professional guardian;
- (2) the name, business address, and business telephone number of each individual who provides guardianship services to a ward of the private professional guardian on behalf of the private professional guardian;
- (3) the total amount of money received from this state for the provision of guardianship services; and
- (4) the amount of money received from any other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

(c) A private professional guardian shall submit with the report required under Subsection (b) a copy of the guardian's application for a certificate of registration required by Section 697(a), Texas Probate Code.

SECTION 1.06. Subtitle K, Title 2, Government Code, as added by this Act, is amended by adding Chapter 156 to read as follows:

## CHAPTER 156. PROCESS SERVER CERTIFICATION

### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 156.001. DEFINITION. In this chapter, "advisory board" means the Process Server Certification Advisory Board.

### SUBCHAPTER B. PROCESS SERVER CERTIFICATION ADVISORY BOARD

Sec. 156.051. ORGANIZATION. (a) The Process Server Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least five members appointed by the supreme court.

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) The supreme court shall appoint a presiding officer of the advisory board from among the advisory board members to serve for two years.

(d) A majority of the advisory board constitutes a quorum.

(e) Advisory board members serve staggered six-year terms as ordered by the supreme court.

(f) If a vacancy occurs on the advisory board, the supreme court shall appoint a person to serve the remainder of the term.

(g) Advisory board members serve without compensation but are entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in the performance of official advisory board duties, as provided by the General Appropriations Act.

SECTION 1.07. Section 51.008, Government Code, is transferred to Subchapter B, Chapter 156, Government Code, as added by this Act, redesignated as Section 156.052, Government Code, and amended to read as

follows:

Sec. ~~156.052~~ [51.008]. FEES FOR PROCESS SERVER CERTIFICATION. (a) The commission [~~process-server review board established by supreme court order~~] may recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The supreme court must approve the fees recommended by the commission [~~process-server review board~~] before the fees may be collected.

(b) If a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, the fee for the certification shall be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the process server must pay the entire certification renewal fee.

(c) The office [~~Office of Court Administration of the Texas Judicial System~~] may collect the fees recommended by the commission [~~process-server review board~~] and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund.

(d) Fees collected under this section may be appropriated to the office [~~Office of Court Administration of the Texas Judicial System~~] for the support of regulatory programs for process servers, guardians, and court reporters.

SECTION 1.08. Subchapter C, Chapter 57, Government Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 157, Government Code, and amended to read as follows:

CHAPTER 157 [~~SUBCHAPTER C~~]. COURT INTERPRETERS LICENSING [~~FOR INDIVIDUALS WHO DO NOT COMMUNICATE IN ENGLISH~~]

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 157.001 [~~57.041~~]. DEFINITIONS. In this chapter [~~subchapter~~]:

(1) “Advisory board” [~~“Board”~~] means the licensed court interpreter advisory board.

(2) “Commission” means the Texas Commission of Licensing and Regulation.

[~~(4)~~ “Department” means the Texas Department of Licensing and Regulation.

[~~(4-a)~~ “Executive director” means the executive director of the department.

[~~(5)~~ “Licensed court interpreter” means an individual licensed under this chapter by the commission to interpret court proceedings for an individual who can hear but who does not comprehend English or communicate in English [~~has the meaning assigned by Section 57.001~~].

SUBCHAPTER B. LICENSED COURT INTERPRETER ADVISORY BOARD

Sec. 157.051 [~~57.042~~]. LICENSED COURT INTERPRETER ADVISORY BOARD. (a) The licensed court interpreter advisory board is established as an advisory board to the commission. The advisory board is composed of at least five [~~nine~~] members appointed by the supreme court [~~presiding officer of the commission, with the commission’s approval~~]. Members of the advisory board serve staggered six-year terms as ordered by the supreme court [~~, with the terms of one-third of the members expiring on February 1 of each odd-numbered year~~].

(b) [The advisory board is composed of:

[~~(1)~~ an active district, county, or statutory county court judge who has been a judge for at least the three years preceding the date of appointment;

[~~(2)~~ an active court administrator who has been a court administrator for at least the three years preceding the date of appointment;

[~~(3)~~ an active attorney who has been a practicing member of the state bar for at least the three years preceding the date of appointment;

[~~(4)~~ three active licensed court interpreters; and

[~~(5)~~ three public members who are residents of this state.

[~~(c)~~ The supreme court [~~presiding officer of the commission, with the commission’s approval,~~] shall select from the advisory board members a presiding officer of the advisory board to serve for two years.

(c) [~~(d)~~] Members shall be appointed without regard to race, color, disability, sex, religion, age, or national [~~ethnic~~] origin. The membership of the advisory board must reflect the geographical and cultural diversity of the state.

(d) [~~(e)~~] The supreme court [~~presiding officer of the commission, with the commission’s approval,~~] may

remove a member of the advisory board for inefficiency or neglect of duty in office~~[- If a vacancy occurs on the board, the presiding officer of the commission, with the commission's approval, shall appoint a member who represents the same interests as the former member to serve the unexpired term].~~

~~(e) [(f) The board shall meet at least twice a year at the call of the presiding officer at a place designated by the presiding officer.]~~ A majority of the advisory board constitutes a quorum.

~~(f) [(g)]~~ The advisory board shall advise the commission regarding the adoption of rules and the design of a licensing examination.

~~(g) An advisory [(h) A]~~ board member is entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in attending meetings of the advisory board in the amount of the per diem set by the General Appropriations Act. A member may not receive compensation for the member's services as an advisory [a] board member. ~~[Service on the board by a member appointed under Subsection (b)(1) is an additional duty required by the member's other official capacity, and that service on the board is not a dual office holding.]~~

### SUBCHAPTER C. LICENSE ISSUANCE

Sec. 157.101 ~~[57.043]~~. ISSUANCE OF LICENSE; TERM. (a) The ~~[executive]~~ director shall issue a court interpreter license to an applicant who:

(1) can interpret for an individual who can hear but who does not comprehend English or communicate in English;

(2) passes the appropriate examination prescribed by the commission ~~[executive director]~~ not earlier than two years before the date the ~~[executive]~~ director receives the applicant's application for a license; and

(3) possesses the other qualifications for the license required by this chapter ~~[subchapter]~~ or by rules adopted under this chapter ~~[subchapter]~~.

(b) The commission shall adopt rules relating to licensing under this chapter. The rules must be approved by the supreme court. ~~The [subchapter and the executive] director shall prescribe all forms required under this chapter [subchapter].~~

(c) A license issued under this chapter ~~[subchapter]~~ is valid for one year from the date of issuance.

(d) A license issued under this chapter ~~[subchapter]~~ must include at least one of the following designations:

(1) a basic designation that permits the interpreter to interpret court proceedings in justice courts and municipal courts that are not municipal courts of record, other than a proceeding before the court in which the judge is acting as a magistrate; or

(2) a master designation that permits the interpreter to interpret court proceedings in all courts in this state, including justice courts and municipal courts described by Subdivision (1).

(e) In adopting rules relating to licensing under this subchapter, the commission shall, after consulting with the advisory board, prescribe the minimum score an individual must achieve on an examination to receive a license that includes a basic designation under Subsection (d) and the minimum score an individual must achieve to receive a license that includes a master designation under that subsection.

Sec. 157.102 ~~[57.044]~~. COURT INTERPRETER LICENSE. To qualify for a court interpreter license under this chapter ~~[subchapter]~~, an individual must apply on a form prescribed by the commission ~~[executive director]~~ and demonstrate, in the manner required by the ~~[executive]~~ director, reasonable proficiency in interpreting English and court proceedings for individuals who can hear but who do not comprehend English or communicate in English.

~~[Sec. 57.045. FEES. The commission by rule shall set license and examination fees under this subchapter.]~~

Sec. 157.103 ~~[57.046]~~. EXAMINATIONS. (a) The ~~[executive]~~ director shall prepare examinations under this chapter ~~[subchapter]~~ that test an applicant's knowledge, skill, and efficiency in interpreting under this chapter ~~[subchapter]~~. The same examinations must be used for issuing a license that includes a basic designation or master designation as described by Section 157.101(d) ~~[57.043(d)]~~.

(b) An individual who fails an examination may apply for reexamination at a scheduled examination held at least six months after the date the individual failed the original examination.

(c) Examinations shall be offered in the state at least twice a year at times and places designated by the ~~[executive]~~ director.



Sec. ~~157.104~~ [57.047]. COMMISSION [DEPARTMENT] DUTIES; INSPECTIONS. (a) The commission [~~executive director~~] shall enforce this chapter [~~subchapter~~].

(b) The commission [department] shall investigate allegations of violations of this chapter [~~subchapter~~].

Sec. ~~157.105~~ [57.048]. SUSPENSION AND REVOCATION OF LICENSES; REISSUANCE. (a) After a hearing, the commission shall suspend or revoke a court interpreter license on a finding that the individual:

(1) made a material misstatement in an application for a license;

(2) disregarded or violated this chapter [~~subchapter~~] or a rule adopted under this chapter [~~subchapter~~]; or

(3) engaged in dishonorable or unethical conduct likely to deceive, defraud, or harm the public or a person for whom the interpreter interprets.

(b) The commission [~~executive director~~] may reissue a license to an individual whose license has been revoked if the individual applies in writing to the department and shows good cause to justify reissuance of the license.

Sec. ~~157.106~~ [57.049]. PROHIBITED ACTS. A person may not advertise, represent to be, or act as a licensed court interpreter unless the person holds an appropriate license under this chapter [~~subchapter~~].

Sec. ~~157.107~~ [57.050]. OFFENSE; ADMINISTRATIVE PENALTY. (a) A person commits an offense if the person violates this chapter [~~subchapter~~] or a rule adopted under this chapter [~~subchapter~~]. An offense under this subsection is a Class A misdemeanor.

(b) A person who violates this chapter [~~subchapter~~] or a rule adopted under this chapter [~~subchapter~~] is subject to an administrative penalty assessed by the commission as provided by Chapter 153 [~~Subchapter F, Chapter 51, Occupations Code~~].

[~~Sec. 57.051. SUNSET. The licensed court interpreter advisory board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subchapter expires September 1, 2017.~~]

## ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. Subsection (a-1), Article 38.30, Code of Criminal Procedure, is amended to read as follows:

(a-1) A qualified telephone interpreter may be sworn to interpret for the person in the trial of a Class C misdemeanor or a proceeding before a magistrate if an interpreter is not available to appear in person before the court or if the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or is unfamiliar with the use of slang. In this subsection, “qualified telephone interpreter” means a telephone service that employs:

(1) licensed court interpreters as defined by Section ~~157.001~~ [57.001], Government Code; or

(2) federally certified court interpreters.

SECTION 2.02. Section 61.0513, Education Code, is amended to read as follows:

Sec. 61.0513. COURT REPORTER PROGRAMS. The board may not certify a court reporter program under Section 61.051(f) [~~of this code~~] unless the program has received approval from the Judicial Branch [~~Court Reporters~~] Certification Commission [~~Board~~].

SECTION 2.03. Subdivision (1), Subsection (b), Section 132.055, Education Code, is amended to read as follows:

(1) The programs, curriculum, and instruction are of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the programs, curriculum, or instruction is offered. Before a career school or college conducts a program of instruction in court reporting, the school or college must produce evidence that the school or college has obtained approval for the curriculum from the Judicial Branch [~~Court Reporters~~] Certification Commission [~~Board~~].

SECTION 2.04. Section 1002.014, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1002.014. GUARDIANSHIP CERTIFICATION PROGRAM OF THE JUDICIAL BRANCH CERTIFICATION COMMISSION [~~BOARD~~]. “Guardianship certification program of the Judicial Branch Certification Commission” [~~“Guardianship Certification Board”~~] means the program [~~Guardianship Certification Board~~] established under Chapter ~~155~~ [11], Government Code.

SECTION 2.05. Section 1002.016, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1002.016. GUARDIANSHIP PROGRAM. “Guardianship program” has the meaning assigned by Section ~~155.001~~ [11.001], Government Code.



SECTION 2.06. Section 1002.025, Estates Code, as effective January 1, 2014, is amended to read as follows:  
Sec. 1002.025. PRIVATE PROFESSIONAL GUARDIAN. "Private professional guardian" has the meaning assigned by Section ~~155.001~~ [HH-001], Government Code.

SECTION 2.07. Subsection (b), Section 1101.001, Estates Code, as effective January 1, 2014, is amended to read as follows:

(b) The application must be sworn to by the applicant and state:

- (1) the proposed ward's name, sex, date of birth, and address;
- (2) the name, relationship, and address of the person the applicant seeks to have appointed as guardian;
- (3) whether guardianship of the person or estate, or both, is sought;
- (4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:
  - (A) the right of a proposed ward who is 18 years of age or older to vote in a public election; and
  - (B) the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code;
- (5) the facts requiring the appointment of a guardian;
- (6) the interest of the applicant in the appointment of a guardian;
- (7) the nature and description of any kind of guardianship existing for the proposed ward in any other state;
- (8) the name and address of any person or institution having the care and custody of the proposed ward;
- (9) the approximate value and description of the proposed ward's property, including any compensation, pension, insurance, or allowance to which the proposed ward may be entitled;
- (10) the name and address of any person whom the applicant knows to hold a power of attorney signed by the proposed ward and a description of the type of power of attorney;
- (11) for a proposed ward who is a minor, the following information if known by the applicant:
  - (A) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;
  - (B) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased; and
  - (C) if each of the proposed ward's parents and siblings are deceased, the names and addresses of the proposed ward's next of kin who are adults;
- (12) for a proposed ward who is a minor, whether the minor was the subject of a legal or conservatorship proceeding in the preceding two years and, if so:
  - (A) the court involved;
  - (B) the nature of the proceeding; and
  - (C) any final disposition of the proceeding;
- (13) for a proposed ward who is an adult, the following information if known by the applicant:
  - (A) the name of the proposed ward's spouse, if any, and either the spouse's address or that the spouse is deceased;
  - (B) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;
  - (C) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased;
  - (D) the name and age of each of the proposed ward's children, if any, and either the child's address or that the child is deceased; and
  - (E) if there is no living spouse, parent, adult sibling, or adult child of the proposed ward, the names and addresses of the proposed ward's next of kin who are adults;
- (14) facts showing that the court has venue of the proceeding; and
- (15) if applicable, that the person whom the applicant seeks to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 155 [HH], Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

SECTION 2.08. Subsection (a), Section 1104.251, Estates Code, as effective January 1, 2014, is amended to read as follows:

(a) An individual must be certified under Subchapter C, Chapter 155 [~~HH~~], Government Code, if the individual:

- (1) is a private professional guardian;
- (2) will represent the interests of a ward as a guardian on behalf of a private professional guardian;
- (3) is providing guardianship services to a ward of a guardianship program on the program's behalf, except as provided by Section 1104.254; or
- (4) is an employee of the Department of Aging and Disability Services providing guardianship services to a ward of the department.

SECTION 2.09. Section 1104.252, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.252. EFFECT OF PROVISIONAL CERTIFICATE. For purposes of this subchapter, a person who holds a provisional certificate issued under Section 155.103 [~~HH.0421~~], Government Code, is considered to be certified.

SECTION 2.10. Section 1104.253, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.253. EXCEPTION FOR FAMILY MEMBERS AND FRIENDS. A family member or friend of an incapacitated person is not required to be certified under Subchapter C, Chapter 155 [~~HH~~], Government Code, or any other law to serve as the person's guardian.

SECTION 2.11. Section 1104.255, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.255. EXPIRATION OF CERTIFICATION. A person whose certification under Subchapter C, Chapter 155 [~~HH~~], Government Code, has expired must obtain a new certification under that subchapter to provide or continue providing guardianship services to a ward or incapacitated person under this title.

SECTION 2.12. Section 1104.256, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.256. FAILURE TO COMPLY; COURT'S DUTY TO NOTIFY. The court shall notify the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] if the court becomes aware of a person who is not complying with:

- (1) the terms of a certification issued under Subchapter C, Chapter 155 [~~HH~~], Government Code; or
- (2) the standards and rules adopted under that subchapter.

SECTION 2.13. Section 1104.257, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.257. INFORMATION REGARDING SERVICES PROVIDED BY GUARDIANSHIP PROGRAM.

Not later than January 31 of each year, each guardianship program operating in a county shall submit to the county clerk a copy of the report submitted to the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] under Section 155.105 [~~HH.044~~], Government Code.

SECTION 2.14. Section 1104.258, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.258. INFORMATION REGARDING CERTAIN STATE EMPLOYEES PROVIDING GUARDIANSHIP SERVICES. Not later than January 31 of each year, the Department of Aging and Disability Services shall submit to the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] a statement containing:

- (1) the name, address, and telephone number of each department employee who is or will be providing guardianship services to a ward or proposed ward on the department's behalf; and
- (2) the name of each county in which each employee named in Subdivision (1) is providing or is authorized to provide those services.

SECTION 2.15. Subsection (a), Section 1104.303, Estates Code, as effective January 1, 2014, is amended to read as follows:

(a) An application for a certificate of registration must include a sworn statement containing the following information concerning a private professional guardian or each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian:

- (1) place of residence;
- (2) business address and business telephone number;
- (3) educational background and professional experience;

- (4) three or more professional references;
- (5) the name of each ward for whom the private professional guardian or person is or will be serving as a guardian;
- (6) the aggregate fair market value of the property of all wards that is or will be managed by the private professional guardian or person;
- (7) whether the private professional guardian or person has ever been removed as a guardian by the court or resigned as a guardian in a particular case, and, if so:
  - (A) a description of the circumstances causing the removal or resignation; and
  - (B) the style of the suit, the docket number, and the court having jurisdiction over the proceeding; and
- (8) the certification number or provisional certification number issued to the private professional guardian or person by the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~].

SECTION 2.16. Section 1104.306, Estates Code, as effective January 1, 2014, is amended to read as follows:  
 Sec. 1104.306. USE OF NAMES AND BUSINESS ADDRESSES. Not later than January 31 of each year, the clerk shall submit to the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] the name and business address of each private professional guardian who has satisfied the registration requirements of this subchapter during the preceding year.

SECTION 2.17. Subsection (a), Section 1104.404, Estates Code, as effective January 1, 2014, is amended to read as follows:

- (a) The clerk described by Section 1104.402 is not required to obtain criminal history record information for a person who holds a certificate issued under Section 155.102 [~~11-042~~], Government Code, or a provisional certificate issued under Section 155.103 [~~11-042~~], Government Code, if the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] conducted a criminal history check on the person before issuing or renewing the certificate.

SECTION 2.18. Section 1104.407, Estates Code, as effective January 1, 2014, is amended to read as follows:  
 Sec. 1104.407. DUTY TO PROVIDE INFORMATION ON REQUEST. The department shall provide the information obtained under Section 1104.406(a) [~~1102.406(a)~~] to:

- (1) the clerk of the county having venue of the guardianship proceeding at the court's request; and
- (2) the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] at the commission's [~~board's~~] request.

SECTION 2.19. Section 1104.408, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.408. INFORMATION FOR EXCLUSIVE USE OF COURT OR GUARDIANSHIP CERTIFICATION PROGRAM OF JUDICIAL BRANCH CERTIFICATION COMMISSION [~~BOARD~~]. (a)

Criminal history record information obtained under Section 1104.407 is privileged and confidential and is for the exclusive use of the court or guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~], as appropriate. The information may not be released or otherwise disclosed to any person or agency except:

- (1) on court order;
- (2) with the consent of the person being investigated; or
- (3) as authorized by Section 1104.404 of this code or Section 411.1386(a-6), Government Code.

(b) The county clerk or guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] may destroy the criminal history record information after the information is used for the purposes authorized by this subchapter.

SECTION 2.20. Section 1104.410, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.410. USE OF INFORMATION BY GUARDIANSHIP CERTIFICATION PROGRAM OF JUDICIAL BRANCH CERTIFICATION COMMISSION [~~BOARD~~]. Criminal history record information obtained by the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] under Section 1104.407(2) may be used for any purpose related to the issuance, denial, renewal, suspension, or revocation of a certificate issued by the commission [~~board~~].

SECTION 2.21. Subsection (b), Section 1203.052, Estates Code, as effective January 1, 2014, is amended to

read as follows:

(b) In addition to the authority granted to the court under Subsection (a), the court may, on the complaint of the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~], remove a guardian who would be ineligible for appointment under Subchapter H, Chapter 1104, because of the guardian's failure to maintain the certification required under Subchapter F, Chapter 1104. The guardian shall be cited to appear and contest the request for removal under this subsection in the manner provided by Subsection (a).

SECTION 2.22. Subsection (b), Section 1251.003, Estates Code, as effective January 1, 2014, is amended to read as follows:

(b) The application must state:

- (1) the name and address of the person who is the subject of the guardianship proceeding;
- (2) the danger to the person or property alleged to be imminent;
- (3) the type of appointment and the particular protection and assistance being requested;
- (4) the facts and reasons supporting the allegations and requests;
- (5) the proposed temporary guardian's name, address, and qualification;
- (6) the applicant's name, address, and interest; and
- (7) if applicable, that the proposed temporary guardian is a private professional guardian who is certified under Subchapter C, Chapter 155 [~~111~~], Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

SECTION 2.23. Subsection (i), Section 411.081, Government Code, is amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Juvenile Justice Department [~~Youth Commission~~];
- (11) the Department of Assistive and Rehabilitative Services;
- (12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;
- (13) the Texas Private Security Board;
- (14) a municipal or volunteer fire department;
- (15) the Texas Board of Nursing;
- (16) a safe house providing shelter to children in harmful situations;
- (17) a public or nonprofit hospital or hospital district;
- (18) [~~the Texas Juvenile Probation Commission~~;
- [(19)] the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;
- [(19)] [(20)] the Texas State Board of Public Accountancy;
- [(20)] [(21)] the Texas Department of Licensing and Regulation;
- [(21)] [(22)] the Health and Human Services Commission;
- [(22)] [(23)] the Department of Aging and Disability Services;
- [(23)] [(24)] the Texas Education Agency;
- [(24)] the Judicial Branch Certification Commission [(25) ~~the Guardianship Certification Board~~];



(25) [(26)] a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII, Texas Probate Code;

(26) [(27)] the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Department of Information Resources; or

(B) a contractor or subcontractor of the Department of Information Resources;

(27) [(28)] ~~the Court Reporters Certification Board;~~

[(29)] the Texas Department of Insurance; and

(28) [(30)] the Teacher Retirement System of Texas.

SECTION 2.24. Subsections (a-4), (a-6), (d), and (f), Section 411.1386, Government Code, are amended to read as follows:

(a-4) The Department of Aging and Disability Services shall provide the information obtained under Subsection (a-1) to:

(1) the clerk of the county having venue over the guardianship proceeding at the request of the court; and

(2) the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] at the request of the commission [~~board~~].

(a-6) The clerk described by Subsection (a) is not required to obtain criminal history record information for a person who holds a certificate issued under Section 155.102 [~~111.042~~] or a provisional certificate issued under Section 155.103 [~~111.0421~~] if the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] conducted a criminal history check on the person before issuing or renewing the certificate. The commission [~~board~~] shall provide to the clerk at the court's request the criminal history record information that was obtained from the department or the Federal Bureau of Investigation.

(d) The criminal history record information obtained under Subsection (a-4) is for the exclusive use of the court or guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~], as appropriate, and is privileged and confidential. The information may not be released or otherwise disclosed to any person or agency except on court order, with the consent of the person being investigated, or as authorized by Subsection (a-6) or Section 698(a-6), Texas Probate Code. The county clerk or guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] may destroy the criminal history record information after the information is used for the purposes authorized by this section.

(f) Criminal history record information obtained by the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] under Subsection (a-4)(2) may be used for any purpose related to the issuance, denial, renewal, suspension, or revocation of a certificate issued by the commission [~~board~~].

SECTION 2.25. Section 411.1408, Government Code, is amended to read as follows:

Sec. 411.1408. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: JUDICIAL BRANCH CERTIFICATION COMMISSION [~~GUARDIANSHIP CERTIFICATION BOARD~~]. (a) In this section, "commission" [~~"board"~~] means the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] established under Chapter 152 [~~111~~].

(b) The commission [~~board~~] is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for or the holder of a certificate, registration, or license issued by the commission or otherwise under Subtitle K, Title 2 [~~board~~].

(c) Criminal history record information obtained by the commission [~~board~~] under Subsection (b):

(1) may be used by the commission [~~board~~] for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate, registration, or license issued by the commission or otherwise under Subtitle K, Title 2 [~~board~~];

(2) may not be released or disclosed to any person except:

(A) on court order;



(B) with the consent of the person who is the subject of the information; or  
(C) as authorized by Section 411.1386(a-6) of this code or Section 698(a-6), Texas Probate Code, if applicable;  
and

(3) shall be destroyed by the commission [~~board~~] after the information is used for the authorized purposes.

SECTION 2.26. Subsection (a), Section 2054.352, Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

- (1) Texas Board of Chiropractic Examiners;
- (2) Judicial Branch [~~Court Reporters~~] Certification Commission [~~Board~~];
- (3) State Board of Dental Examiners;
- (4) Texas Funeral Service Commission;
- (5) Texas Board of Professional Land Surveying;
- (6) Texas Medical Board;
- (7) Texas Board of Nursing;
- (8) Texas Optometry Board;
- (9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;
- (10) Texas State Board of Pharmacy;
- (11) Executive Council of Physical Therapy and Occupational Therapy Examiners;
- (12) Texas State Board of Plumbing Examiners;
- (13) Texas State Board of Podiatric Medical Examiners;
- (14) Texas State Board of Examiners of Psychologists;
- (15) State Board of Veterinary Medical Examiners;
- (16) Texas Real Estate Commission;
- (17) Texas Appraiser Licensing and Certification Board;
- (18) Texas Department of Licensing and Regulation;
- (19) Texas State Board of Public Accountancy;
- (20) State Board for Educator Certification;
- (21) Texas Board of Professional Engineers;
- (22) Department of State Health Services;
- (23) Texas Board of Architectural Examiners;
- (24) Texas Racing Commission;
- (25) Commission on Law Enforcement Officer Standards and Education; and
- (26) Texas Private Security Board.

SECTION 2.27. Subsection (c), Section 161.114, Human Resources Code, is amended to read as follows:

(c) A volunteer may provide life enrichment activities, companionship, transportation services, and other services to or for the ward in a guardianship, except the volunteer may not provide services that would require the volunteer to be certified under Section 155.102 [~~111.042~~], Government Code.

SECTION 2.28. Subsection (a), Section 151.353, Tax Code, is amended to read as follows:

(a) Court reporting services relating to the preparation of a document or other record in a civil or criminal suit by a notary public or a court reporter licensed by the Judicial Branch [~~State of Texas Court Reporters~~] Certification Commission [~~Board~~] are exempted from the taxes imposed by this chapter if the document is:

- (1) prepared for the use of a person participating in a suit or the court in which a suit or administrative proceeding is brought; and
- (2) sold to a person participating in the suit.

ARTICLE 3. REPEALER, TRANSITION, AND EFFECTIVE DATE

SECTION 3.01. The following provisions of the Government Code are repealed:

- (1) Subdivisions (1), (2), (2-a), and (7), Subsection (a), Section 52.001;
- (2) Sections 52.002, 52.003, 52.0112, 52.012, 52.0121, 52.013, 52.0131, 52.014, 52.015, 52.016, 52.0165, 52.017, 52.0175, 52.018, and 52.0185;
- (3) the heading to Subchapter B, Chapter 52;
- (4) Subdivision (5), Section 57.001;

- (5) Section 72.013;
- (6) Subchapter F, Chapter 72; and
- (7) Section 411.1403.

SECTION 3.02. (a) In appointing the initial members of the Judicial Branch Certification Commission created under Chapter 152, Government Code, as added by this Act, the Supreme Court of Texas shall appoint three members to terms expiring February 1, 2017, three members to terms expiring February 1, 2019, and three members to terms expiring February 1, 2021.

(b) The Supreme Court of Texas shall adopt rules, procedures, and forms the supreme court determines are necessary to implement Subtitle K, Title 2, Government Code, as added by this Act, not later than September 1, 2014.

(c) On September 1, 2014:

- (1) the Judicial Branch Certification Commission is created;
  - (2) the Court Reporters Certification Board, Guardianship Certification Board, and process server review board are abolished;
  - (3) the powers, duties, functions, programs, and activities of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred to the Judicial Branch Certification Commission;
  - (4) an employee of the Court Reporters Certification Board, Guardianship Certification Board, or process server review board becomes an employee of the Office of Court Administration of the Texas Judicial System;
  - (5) all obligations and contracts of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred to the Office of Court Administration of the Texas Judicial System;
  - (6) all property and records in the custody of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters shall be transferred to the Office of Court Administration of the Texas Judicial System;
  - (7) all complaints, investigations, or contested cases that are pending before the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred without change in status to the Judicial Branch Certification Commission;
  - (8) a rule, form, or fee adopted by the Supreme Court of Texas or the Texas Commission of Licensing and Regulation related to a profession regulated under Subtitle K, Title 2, Government Code, as added by this Act, remains in effect until altered by the supreme court;
  - (9) except as otherwise provided by this Act, a reference in law to the Court Reporters Certification Board, Guardianship Certification Board, or process server review board means the Judicial Branch Certification Commission; and
  - (10) a license, certification, or registration in effect that was issued by the Court Reporters Certification Board, Guardianship Certification Board, process server review board, or Texas Department of Licensing and Regulation related to professions regulated under Subtitle K, Title 2, Government Code, as added by this Act, is continued in effect as a license, certification, or registration of the Judicial Branch Certification Commission.
- (d) The abolition of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and the transfer of powers, duties, functions, programs, activities, obligations, rights, contracts, records, property, funds, and employees as provided by this Act do not affect or impair an act done, any obligation, right, order, permit, certificate, rule, criterion, standard, or requirement existing, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.
- (e) Subsections (a) and (b) of this section take effect September 1, 2013.

SECTION 3.03. Except as otherwise provided by this Act, this Act takes effect September 1, 2014.

## AN ACT

relating to the repeal of certain offenses relating to certain occupations regulated by the Texas Department of Licensing and Regulation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (f), Section 754.0141, Health and Safety Code, is amended to read as follows:

(f) An inspection by a QEI-1 certified inspector of equipment in a single-family dwelling may be performed only at the request and with the consent of the owner. The owner of a single-family dwelling is not subject to Section 754.022 ~~or~~ 754.023 ~~or~~ 754.024.

SECTION 2. The heading to Subchapter E, Chapter 91, Labor Code, is amended to read as follows:

SUBCHAPTER E. PROHIBITED ACTS; ENFORCEMENT ~~[PENALTY]~~

SECTION 3. Section 1151.253, Occupations Code, is transferred to Subchapter E, Chapter 1151, Occupations Code, and redesignated as Section 1151.206, Occupations Code, to read as follows:

Sec. 1151.206 ~~[1151.253]~~. COMPLAINT OF VIOLATION. A person may file a complaint with the department concerning a violation of this chapter or a rule adopted by the commission under this chapter.

SECTION 4. The heading to Subchapter G, Chapter 2052, Occupations Code, is amended to read as follows:

SUBCHAPTER G. DISCIPLINARY PROCEDURES; ~~PENALTIES~~ ~~[CRIMINAL OFFENSE]~~

SECTION 5. The following provisions are repealed:

- (1) Section 754.024, Health and Safety Code;
- (2) Section 91.063, Labor Code;
- (3) Subchapter D, Chapter 92, Labor Code;
- (4) the heading to Subchapter F, Chapter 1151, Occupations Code;
- (5) Sections 1151.251, 1151.252, 1152.252, and 2052.309, Occupations Code;
- (6) Subchapter H, Chapter 1202, Occupations Code;
- (7) Subchapter N, Chapter 1601, Occupations Code; and
- (8) Subchapter L, Chapter 1602, Occupations Code.

SECTION 6. The repeal of an offense by this Act does not apply to an offense committed before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

S.B. No. 987

## AN ACT

relating to allowing the attorney general to obtain an injunction against a municipality or county that adopts prohibited regulations regarding firearms, ammunition, or firearm supplies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 229.001, Local Government Code, is amended by adding Subsection (f) to read as follows:

(f) The attorney general may bring an action in the name of the state to obtain a temporary or permanent injunction against a municipality adopting a regulation in violation of this section.

SECTION 2. Section 236.002, Local Government Code, is amended to read as follows:

Sec. 236.002. FIREARMS; SPORT SHOOTING RANGE. (a) Notwithstanding any other law, including Chapter 251, Agriculture Code, a county may not adopt regulations relating to:

- (1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies; or
- (2) the discharge of a firearm at a sport shooting range.

(b) The attorney general may bring an action in the name of the state to obtain a temporary or permanent injunction against a county adopting a regulation, other than a regulation under Section 236.003, in violation of this section.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1010**

AN ACT

relating to access to certain facilities by search and rescue dogs and their handlers; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 9, Health and Safety Code, is amended by adding Chapter 785 to read as follows:

CHAPTER 785. SEARCH AND RESCUE DOGS

Sec. 785.001. DEFINITIONS. In this chapter:

(1) "Handler" means a person who handles a search and rescue dog and who is certified by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency.

(2) "Housing accommodations" has the meaning assigned by Section 121.002(3), Human Resources Code.

(3) "Public facility" means a facility described by Section 121.002(5), Human Resources Code.

(4) "Search and rescue dog" means a canine that is trained or being trained to assist a nationally recognized search and rescue agency in search and rescue activities.

Sec. 785.002. DISCRIMINATION PROHIBITED. (a) The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog admittance to the facility.

(b) The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog's handler admittance to the facility because of the presence of the handler's search and rescue dog.

(c) The owner, manager, or operator of a common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within this state, or an employee or other agent of the owner, manager, or operator, may not:

(1) refuse to accept as a passenger a search and rescue dog or the dog's handler; or

(2) require the dog's handler to pay an additional fare because of the search and rescue dog.

(d) The discrimination prohibited by this section includes:

(1) refusing to allow a search and rescue dog or the dog's handler to use or be admitted to a public facility;

(2) a ruse or subterfuge calculated to prevent or discourage a search and rescue dog or the dog's handler from using or being admitted to a public facility; and

(3) failing to make a reasonable accommodation in a policy, practice, or procedure to allow a search and rescue dog or the dog's handler to be admitted to a public facility.

(e) A policy relating to the use of a public facility by a designated class of persons from the general public may not prohibit the use of the particular public facility by a search and rescue dog or the dog's handler.

(f) A search and rescue dog's handler is entitled to full and equal access, in the same manner as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to any condition or limitation established by law that applies to all persons, except that the handler may not be required to pay an extra fee or charge or security deposit for the search and rescue dog.

Sec. 785.003. PENALTY FOR DISCRIMINATION. (a) A person who violates Section 785.002 commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$300 or more than \$1,000.

(b) It is a defense to prosecution under Subsection (a) that the actor requested the search and rescue dog handler's credentials under Section 785.005 and the handler failed to provide the actor with the credentials.

Sec. 785.004. RESPONSIBILITIES OF HANDLERS; CIVIL LIABILITY. (a) A handler who accompanies a search and rescue dog shall keep the dog properly harnessed or leashed. A person may maintain a cause of action against a dog's handler for personal injury, property damage, or death resulting from the failure of the



dog's handler to properly harness or leash the dog under the same law applicable to other causes brought for the redress of injuries caused by animals.

(b) The handler of a search and rescue dog is liable for any property damage caused by the search and rescue dog to a public facility or to housing accommodations.

(c) A governmental unit, as defined by Section 101.001, Civil Practice and Remedies Code, is subject to liability under this section only as provided by Chapter 101, Civil Practice and Remedies Code. A public servant, as defined by Section 108.001, Civil Practice and Remedies Code, is subject to liability under this section only as provided by Chapter 108, Civil Practice and Remedies Code.

Sec. 785.005. CANINE HANDLER CREDENTIALS. A person may ask a search and rescue dog handler to display proof that the handler is a person with a certification issued by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency.

SECTION 2. This Act takes effect September 1, 2013.

**S.B. No. 1061**

AN ACT

relating to parking privileges of disabled veterans on the property of institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 681.008, Transportation Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) A vehicle described by Subsection (a) may be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities on the property of an institution of higher education, as defined by Section 61.003, Education Code, regardless of whether a permit is generally required for the use of the space or area. An institution of higher education may require a vehicle described by Subsection (a) to display a parking permit issued by the institution specifically for the purpose of implementing this subsection, but may not charge a fee for the permit. This subsection does not entitle a person to park a vehicle described by Subsection (a) in a parking space or area that has not been designated specifically for persons with physical disabilities on the property of the institution if the vehicle has not been granted or assigned a parking permit required by the institution.

(a-2) Subsection (a-1) does not apply to a parking space or area located in:

(1) a controlled access parking facility if at least 50 percent of the number of parking spaces or areas designated specifically for persons with physical disabilities on the property of the institution of higher education are located outside a controlled access parking facility;

(2) an area temporarily designated for special event parking; or

(3) an area where parking is temporarily prohibited for health or safety concerns.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1095**

AN ACT

relating to fever tick eradication; creating a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 167.001, Agriculture Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (8) to read as follows:

(1) "Animal" means any domestic, free-range, or wild animal capable of hosting or transporting ticks capable of carrying Babesia, including:

(A) livestock;

(B) zebras, bison, and giraffes; and

(C) deer, elk, and other cervid species.

(1-a) "Commission" means the Texas Animal Health Commission.

(8) "Treatment" means a procedure or management practice used on an animal to prevent the infestation of,



control, or eradicate ticks capable of carrying Babesia.

SECTION 2. Subsections (a) and (c), Section 167.003, Agriculture Code, are amended to read as follows:

(a) In accordance with this chapter, the commission shall eradicate all ticks capable of carrying Babesia in this state and shall protect all land, premises, and animals [~~livestock~~] in this state from those ticks and exposure to those ticks.

(c) The commission by rule may provide for the manner and method of treating [~~dipping~~] saddle stock and stock used for gentle work and for the handling and certifying of that stock for movement, but unless the commission so provides, the stock is subject to this chapter as other animals [~~livestock~~].

SECTION 3. Subsections (a) and (b), Section 167.004, Agriculture Code, are amended to read as follows:

(a) If a tick is found on an animal [~~a head of livestock~~], the following are classified as tick infested:

(1) each animal [~~head of livestock~~] that is in the same herd or is then or thereafter on the same range or in the same enclosure as the animal on which the tick is found; and

(2) the range or enclosure in or on which the animal is located.

(b) The commission by rule shall define what animals and premises are to be classified as exposed to ticks.

The commission shall classify as exposed to ticks animals [~~livestock~~] that have been on land or in an enclosure that the commission determines to be tick infested or exposed to ticks or to have been tick infested or exposed to ticks before or after the removal of the animals [~~livestock~~], unless the commission determines that the infestation or exposure occurred after the animals [~~livestock~~] were removed and that the animals [~~livestock~~] did not become infested or exposed before removal.

SECTION 4. Sections 167.007 and 167.008, Agriculture Code, are amended to read as follows:

Sec. 167.007. TICK ERADICATION IN FREE AREA. (a) The commission may conduct tick eradication in the free area and may establish quarantines and require the treatment of animals [~~dipping of livestock~~] in the free area as provided by this chapter. The commission shall designate in writing the land or premises in the free area in which tick eradication is to be conducted.

(b) An owner or caretaker of animals [~~livestock~~] in the free area and the commissioners court of a county all or part of which is located in the free area shall cooperate with the commission in the manner provided by this chapter for tick eradication in the tick eradication area.

Sec. 167.008. INSPECTIONS. The commission may order the owner, part owner, or caretaker of animals [~~livestock~~] to gather the animals [~~livestock~~] for inspection at a time and place prescribed in the order of the commission. The commission shall serve written notice of the order not later than the 12th day before the day of inspection. A person on whom an order is served is entitled to request and obtain a hearing in the manner provided by this chapter for hearings on orders to treat animals [~~dip livestock~~].

SECTION 5. Subsection (a), Section 167.021, Agriculture Code, is amended to read as follows:

(a) The commission may establish quarantines on land, premises, and animals [~~livestock~~] as necessary for tick eradication.

SECTION 6. Subsection (b), Section 167.022, Agriculture Code, is amended to read as follows:

(b) A quarantine under this section has the effect of quarantining all land, premises, and animals [~~livestock~~] in the area quarantined, regardless of whether any person's land, premises, or animals [~~livestock~~] are specifically described in the quarantine order.

SECTION 7. Subsections (a) and (c), Section 167.023, Agriculture Code, are amended to read as follows:

(a) The commission by written order may establish a quarantine in the free area if necessary for the purpose of regulating the handling of animals [~~livestock~~] and eradicating ticks or exposure to ticks in the free area or for the purpose of preventing the spread of tick infestation into the free area.

(c) The commission shall give notice of a quarantine established in the free area by:

(1) delivering notice to each owner or caretaker of animals [~~livestock~~] in the area to be quarantined or to each owner or caretaker of land or premises in the area on which animals [~~livestock~~] are located;

(2) posting written notice at the courthouse door of each county in which the area to be quarantined is located; or

(3) publishing notice in a newspaper published in each county in which the area to be quarantined is located.

SECTION 8. Subsections (a), (b), and (c), Section 167.024, Agriculture Code, are amended to read as follows:

(a) Unless a person first obtains a permit or a certificate from an authorized inspector, the person may not move animals [livestock] in a quarantined area:

(1) from land owned, leased, or occupied by one person into or through any other land owned, leased, or occupied by another person; or

(2) onto any open range, public street, public road, or thoroughfare.

(b) Unless the person first obtains a permit or a certificate from an authorized inspector, the owner or caretaker of animals [livestock] in a quarantined area may not move the animals [livestock], or permit the animals [livestock] to be moved, from an enclosure owned, leased, or occupied by that person, from any open range, street, road, or thoroughfare, or from any land that the person does not own or control, into any other enclosure or other land owned, cared for, or controlled by that person, if:

(1) the animals [livestock] are subject to treatment [dipping] under this chapter and the land or enclosure to which the animals [livestock] are moved:

(A) is classified in the records of the county supervising inspector as being free from ticks; or

(B) has been released from quarantine by the commission; or

(2) the animals [livestock] are subject to treatment [dipping] but are not being treated [dipped] under this chapter in the conduct of regular systematic tick eradication by the commission and the land or enclosure to which the animals [livestock] are moved is owned or controlled by that person and:

(A) tick eradication work is being conducted there; or

(B) the land or enclosure is vacated under the direction of the commission for the purpose of tick eradication.

(c) The owner or caretaker of animals [livestock] located in a quarantined area may move animals [livestock], or permit animals [livestock] to be moved, to and from treatment facilities [dipping vats] for the purpose of treating the animals [dipping the livestock] on a regular treatment [dipping] date at the treatment facility [vat] to which the animals [livestock] are to be moved or on another date designated by the inspector in charge of the treatment facility [vat]. The movement of animals [livestock] under this subsection must be in accordance with the rules of the commission. Any other movement is considered to be in violation of the quarantine.

SECTION 9. Section 167.025, Agriculture Code, is amended to read as follows:

Sec. 167.025. MOVEMENT IN OR FROM INACTIVE QUARANTINED AREA. A person may not move animals [livestock] or permit animals [livestock] to be moved from or within the inactive quarantined area except in accordance with the rules of the commission.

SECTION 10. Subsections (a) and (b), Section 167.026, Agriculture Code, are amended to read as follows:

(a) A person may not move animals [livestock], or permit animals [livestock] of which the person is the owner, part owner, or caretaker to be moved, into this state from an area in another state, territory, or country that is under state or federal quarantine for tick infestation or exposure unless the animals [livestock] are accompanied by a certificate from an inspector of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

(b) A person may not move goats, hogs, sheep, exotic livestock, or circus animals into this state from an area of another state, territory, or country that is under state or federal quarantine for tick infestation unless the animals:

(1) have been treated [dipped] free from infestation or exposure; and

(2) are certified as having been so treated by an inspector of the commission or of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

SECTION 11. Section 167.027, Agriculture Code, is amended to read as follows:

Sec. 167.027. PERMIT OR CERTIFICATE TO ACCOMPANY MOVEMENT. (a) A certificate or permit required for movement of animals [livestock] within or into this state must be in the possession of the person in charge of the movement or the conveyance from the point of origin to the point of destination. If the movement is by a transportation company, including a railway or express company, the certificate must be attached to the shipping papers accompanying the movement from the point of origin to the point of destination. On demand of an inspector, the person in charge of the movement or conveyance shall exhibit the certificate or permit.

(b) A certificate required for movement of [~~goats, hogs, sheep, exotic livestock, or circus animals, or for movement of~~] articles listed in Section 167.026(c) [~~of this code,~~] must accompany the movement to the final destination in this state or so long as the [~~animals or~~] articles are moving through this state.

SECTION 12. Sections 167.028 and 167.029, Agriculture Code, are amended to read as follows:

Sec. 167.028. STATEMENT OF POSSESSION AND DESTINATION. On request of an inspector, the owner, part owner, or caretaker, or a person accompanying and connected with a shipment, of animals [livestock] that are being moved in this state or have been moved in this state within 60 days preceding the request, shall make a written statement of:

- (1) the name of the owner or the person controlling the land from which the shipment originated and the county in which that land is located;
- (2) the county and the particular place in that county to which the shipment is or was destined;
- (3) the name and address of the person from whom the animals [livestock] were obtained, if the animals [livestock] were obtained in the 30 days preceding the request, or, if the animals [livestock] were not obtained during the 30 days preceding the request, a statement of that fact; and
- (4) the territory through which the shipment passed since leaving the point of origin and through which the shipment is intended to pass before reaching the point of destination.

Sec. 167.029. CONDITIONS, MANNER, AND METHOD OF MOVING AND HANDLING. (a) The commission by rule shall provide the conditions for and the manner and method of handling and moving animals [livestock]:

- (1) into, in, and from the tick eradication area;
  - (2) into, in, and from quarantined land or premises in the free area;
  - (3) into the released part of the free area; and
  - (4) into, in, and from the inactive quarantined area.
- (b) Animals [livestock] must be certified as being free from ticks and exposure to ticks, and must be moved to the destination without exposure, if the animals [livestock] are to be moved:
- (1) into the free area;
  - (2) from one county to another in the tick eradication area; or
  - (3) within a county to land or premises that are classified by the official records of the supervising inspector of the county as being free from ticks and exposure to ticks.
- (c) The commission may adopt rules relating to testing, immunizing, treating, certifying, or marking or branding animals [livestock] moving into this state from another state or country.

SECTION 13. Subsection (a), Section 167.030, Agriculture Code, is amended to read as follows:

(a) A person, including a railway or transportation company, who operates a conveyance into which animals [livestock] are loaded shall clean and disinfect each car or other conveyance after removal of the animals [livestock] unless the animals [livestock] are clean and free from ticks or exposure to ticks.

SECTION 14. Sections 167.031 and 167.033, Agriculture Code, are amended to read as follows:

Sec. 167.031. USE OF SAND AS BEDDING IN CONVEYANCE. The commission may establish quarantines and restrict the use of sand as bedding in an animal [a livestock] conveyance except for sand from known tick-free sand pits.

Sec. 167.033. HANDLING AND REMOVAL OF REFUSE OR DEAD OR INJURED ANIMALS [LIVESTOCK]. The commission may establish quarantines and regulate the removal and handling of refuse matter from quarantined stockyards, quarantined stock pens, and other quarantined places and may establish quarantines and regulate the handling or removal of animals [livestock] that die or are injured in transit.

SECTION 15. The heading to Subchapter C, Chapter 167, Agriculture Code, is amended to read as follows:

SUBCHAPTER C. TREATMENT [DIPPING]

SECTION 16. Sections 167.051 and 167.052, Agriculture Code, are amended to read as follows:

Sec. 167.051. ANIMALS [LIVESTOCK] SUBJECT TO TREATMENT [DIPPING]. (a) Animals [livestock] located in the tick eradication area are subject to treatment [dipping] if the animals [livestock]:

- (1) are infested with ticks;
- (2) were exposed to ticks within the nine months preceding an order to treat [dip]; or
- (3) are on premises described in an order to treat [dip] during the time that the order is in effect and the person to whom the order is issued is the owner, part owner, or caretaker of the animals [livestock].

(b) Animals [livestock] located in the free area are subject to treatment [dipping] if:

- (1) the animals [~~livestock~~] are infested with ticks;
  - (2) the animals [~~livestock~~] were exposed to ticks within the nine months preceding an order to treat [~~dip~~];
  - (3) the animals [~~livestock~~] are on premises described in an order to treat [~~dip~~] during the time the order is in effect and the person to whom the order is issued is the owner, part owner, or caretaker of the animals [~~livestock~~]; or
  - (4) the commission determines that treatment [~~dipping~~] is necessary to ensure that the animals [~~livestock~~] are entirely free from infestation.
- (c) The commission may require the treatment of animals [~~dipping of livestock~~] that are located in the free area and are tick infested or have been exposed to ticks regardless of whether the animals [~~livestock~~] or the area in which the animals [~~livestock~~] are located is under quarantine.

Sec. 167.052. ORDER TO TREAT [~~DIP~~]. (a) The commission may order the owner, part owner, or caretaker of animals to treat the animals [~~livestock to dip the livestock~~] in accordance with the directions of the commission. The order must be dated, in writing, and signed or stamped with the signature of the commission or the presiding officer of the commission.

(b) An order to treat [~~dip~~] must:

- (1) state the period of time covered by the order;
  - (2) describe the premises on which the animals to be treated [~~livestock to be dipped~~] are located;
  - (3) state that the person to whom the order is directed shall treat all animals [~~dip all livestock~~] of which the person is the owner, part owner, or caretaker and which are located on those premises during that time;
  - (4) state that the treatment [~~dipping~~] must be done under the supervision of an inspector;
  - (5) designate the method by [~~vat at~~] which the animals [~~livestock~~] are to be treated [~~dipped~~];
  - (6) state the dates on which the animals [~~livestock~~] are to be treated [~~dipped~~]; and
  - (7) state that if the person does not treat the animals [~~dip the livestock~~] on those dates, the treatment [~~dipping~~] will be done at the person's expense by a peace officer acting in accordance with this chapter.
- (c) The order is not required to describe the premises on which the animals [~~livestock~~] are located by field notes or metes and bounds, but must provide a reasonable description sufficient to inform the person to whom it is directed of the premises or land covered by the order.
- (d) An order may require the treatment of the animals [~~dipping of the livestock~~] on as many dates as the commission considers necessary for eradicating the infestation or exposure of the animals [~~livestock~~] or the premises on which the animals are [~~livestock is~~] located.
- (e) An order to treat [~~dip~~] must be delivered to the person to whom it is directed not later than the 12th day before the date specified in the order for the first treatment [~~dipping~~], not including the date of delivery or the date of the first treatment [~~dipping~~].
- (f) A person to whom an order to treat [~~dip~~] is directed shall comply with the order and treat the animals [~~dip the livestock~~] in accordance with the directions of the commission. If the order is not delivered within the time provided by Subsection (e) [~~of this section~~], the person receiving the order shall begin treatment [~~dipping~~] on the first treatment [~~dipping~~] date that is more than 12 days after the date of receipt of the order and shall continue treatment [~~dipping~~] on subsequent dates as specified in the order.
- (g) If the animals [~~livestock~~] or the premises are not freed from ticks or exposure to ticks before an order to treat [~~dip~~] expires, the commission [~~Commission~~] may issue additional orders regardless of whether the animals [~~livestock~~] were exposed to ticks in the nine months preceding the date of the subsequent order.

SECTION 17. Subsections (a) and (c), Section 167.053, Agriculture Code, are amended to read as follows:

- (a) A person is entitled to request and obtain a hearing for the purpose of protesting an order to treat [~~dip~~] by filing a sworn application with the supervising inspector of the county in which the animals [~~livestock~~] are located. The application must be filed not later than the 10th day after the day on which the order was received.
- (c) If the commission's decision is delivered in person, a person whose protest is overruled shall begin treatment of the animals [~~dipping the livestock~~] on the first treatment [~~dipping~~] date in the order that is more than two days after the day on which the decision is received. If the decision is delivered by mail, the person shall begin treatment [~~dipping~~] on the first treatment [~~dipping~~] date in the order that is more than four days after the day on which the decision was deposited in the mail.



SECTION 18. Sections 167.054, 167.055, 167.056, 167.057, and 167.058, Agriculture Code, are amended to read as follows:

Sec. 167.054. EXCUSE FROM COMPLIANCE WITH ORDER. The supervising inspector of a county for good cause may excuse a person from complying with an order to treat [~~dip~~], but shall be held responsible for excusing compliance without good cause.

Sec. 167.055. PERSONS RESPONSIBLE FOR TREATMENT [~~DIPPING~~] AND ASSISTANCE. (a) A person who owns any interest in animals [~~livestock~~] subject to treatment [~~dipping~~] or who is the caretaker of the animals [~~that livestock~~] is responsible for the treatment of the animals [~~dipping of the livestock~~] under this chapter and is subject to prosecution for failure to treat the animals [~~dip the livestock~~].

(b) A husband and wife are jointly and severally liable for the treatment of animals [~~dipping of livestock~~] subject to treatment [~~dipping~~] that belong to their community estate. Each spouse is responsible for the treatment of animals [~~dipping of livestock~~] belonging to that person's separate estate, except that a spouse who is the caretaker of animals [~~livestock~~] owned by the other spouse is responsible for the treatment of the animals [~~dipping of that livestock~~].

(c) A person responsible for the treatment of animals [~~dipping of livestock~~] subject to treatment [~~dipping~~] shall furnish all necessary labor, at the person's own expense, for gathering the animals [~~livestock~~], driving the animals to the treatment facility, treating the animals [~~livestock to the dipping vat, dipping the livestock~~], and returning the animals [~~livestock~~] to the person's premises after treatment [~~dipping~~].

Sec. 167.056. MANNER OF TREATMENT [~~DIPPING~~]. If the commission requires animals to be treated, the animals [~~livestock to be dipped, the livestock~~] shall be [~~submerged in a vat, sprayed, or~~] treated in the [~~another sanitary~~] manner prescribed by the commission.

Sec. 167.057. TREATMENT CHEMICALS [~~DIPPING MATERIALS~~]. (a) The commission shall prescribe by rule the official materials in which animals are to be treated [~~livestock are to be dipped~~] under this chapter. A person may not treat animals [~~dip livestock~~] for purposes of this chapter in a material other than an official material prescribed by the commission.

(b) The state, an agency of the state, or an agency of the government of the United States shall, and a county may, furnish the official materials for the treatment of animals [~~dipping of livestock~~] under this chapter.

Sec. 167.058. TREATMENT [~~DIPPING~~] INTERVALS. A person to whom an order to treat [~~dip~~] is directed shall treat the animals [~~dip the livestock~~] on the dates specified in the order, but the order of the commission must provide an interval of at least 13 days, not including any part of a treatment [~~dipping~~] date, between the days on which it directs the animals to be treated [~~livestock to be dipped~~]. The order of the commission may provide an interval longer than 13 days.

SECTION 19. The heading to Section 167.059, Agriculture Code, is amended to read as follows:

Sec. 167.059. TREATMENT [~~DIPPING~~] FACILITIES.

SECTION 20. Subsections (a), (b), and (c), Section 167.059, Agriculture Code, are amended to read as follows:

(a) The commissioners court of each county, including a county in the free area, in all or part of which the commission conducts tick eradication shall cooperate with the commission and shall furnish facilities necessary to the treatment of animals [~~dipping of livestock~~] in that county. The commissioners court shall furnish dipping vats, pens, chutes, and other necessary facilities in the number, at the locations, and of the type specified by the commission. In addition, the county, at its expense, shall maintain the facilities and repair or remodel them as necessary, shall provide the water for filling the vats, and shall clean and refill the vats as necessary.

(b) For the purpose of constructing, purchasing, or leasing treatment [~~dipping~~] facilities, and for the purpose of providing necessary land, labor, or materials, a commissioners court may appropriate money out of the general fund of the county or may incur indebtedness by the issuance of warrants. A warrant issued may not draw interest at a rate of more than six percent per year and may not have a term of more than 20 years. The commissioners court may levy taxes to pay interest on warrants and may establish a sinking fund for the payment of warrants.

(c) For the purpose of acquiring necessary land for the construction or maintenance of treatment [~~dipping~~] facilities, for the purpose of acquiring treatment [~~dipping~~] facilities that have already been constructed, or for the purpose of acquiring land necessary for ingress and egress to and from those facilities, a commissioners

court has the power of eminent domain. The commissioners court shall exercise the power of eminent domain in the manner provided by law for acquiring land for the building and maintenance of public buildings, except that the court shall institute and prosecute condemnation proceedings on written request from the presiding officer of the commission. The request from the commission shall designate:

- (1) the land to be condemned and its location;
- (2) the name of the owner of the land to be condemned; and
- (3) the easement to be acquired for ingress and egress.

SECTION 21. The heading to Section 167.060, Agriculture Code, is amended to read as follows:

Sec. 167.060. TREATMENT [~~DIPPING~~] REQUIRED FOR MOVEMENT FROM QUARANTINED AREA.

SECTION 22. Subsections (a), (b), and (c), Section 167.060, Agriculture Code, are amended to read as follows:

(a) An inspector may not issue a certificate or permit for the movement of animals [~~livestock~~] from a quarantined enclosure unless the owner or caretaker of the animals [~~livestock~~]:

(1) is cooperating with the commission in the regular systematic treatment of the animals [~~dipping of the livestock~~] listed in Subsection (b) [~~of this section~~]; and

(2) has treated those animals [~~dipped those livestock~~] on the last two treatment [~~dipping~~] dates that were prescribed for the area in which the animals [~~livestock~~] are located and that preceded the date of movement.

(b) In order to be issued the permit or certificate, the owner or caretaker must cooperate with the commission in the regular systematic treatment of animals [~~dipping of livestock~~] of which the person is the owner or caretaker and which:

(1) are located in the enclosure from which the animals [~~livestock~~] are to be moved;

(2) are located in quarantined enclosures that connect with the enclosure from which the animals [~~livestock~~] are to be moved, including an enclosure that:

(A) connects with an enclosure that connects with the enclosure from which the animals [~~livestock~~] are to be moved; or

(B) is on the opposite side of a lane or road from the enclosure from which the animals [~~livestock~~] are to be moved; or

(3) are located on the quarantined open range that connects with any of the enclosures under Subdivision (1) or (2) [~~of this subsection~~].

(c) If ticks are found on any of the animals [~~livestock~~] submitted for movement, before the certificate or permit is issued, each head of the animals must be treated as prescribed by commission rules [~~livestock must be dipped at intervals of not less than every 7th day nor more than every 14th day and found free from ticks at the last dipping~~].

SECTION 23. Subsection (b), Section 167.082, Agriculture Code, is amended to read as follows:

(b) A person to whom a notice is directed may request a hearing for the purpose of protesting the designation in the manner provided by Section 167.053 [~~of this code~~] for requesting a hearing on an order to treat [~~dip~~]. The commission shall grant the hearing and give notice of its decision in the manner provided by that section.

SECTION 24. Subsection (e), Section 167.101, Agriculture Code, is amended to read as follows:

(e) Only an inspector appointed for the purpose may conduct tick eradication or issue permits and certificates certifying animals [~~livestock~~] to be free from ticks or exposure to ticks. An inspector shall issue those permits and certificates in accordance with the rules of the commission.

SECTION 25. Subsection (c), Section 167.102, Agriculture Code, is amended to read as follows:

(c) The search warrant shall describe the place to be entered in a reasonable manner that will enable the person in charge of the property to identify the property described, but the warrant is not required to describe the property by field notes or by metes and bounds. If the applicant for the warrant seeks to enter the property to determine whether animals [~~livestock~~] are on the property, the application for the warrant shall state that. If the warrant is obtained for the purpose of seizing or treating animals [~~dipping livestock~~], the application and the warrant shall describe the animals [~~livestock, state whether the animals are cattle, horses, mules, jacks, or jennets,~~] and give the approximate number of animals. If any of that information is unknown to the applicant, the application and warrant shall state that the information is unknown.

SECTION 26. Sections 167.103, 167.104, and 167.105, Agriculture Code, are amended to read as follows:

Sec. 167.103. TREATMENT OF ANIMALS [~~DIPPING OF CATTLE~~] BY PEACE OFFICER ON REQUEST OF INSPECTOR. (a) If a person responsible for treating animals [~~dipping livestock~~] fails to treat the animals [~~dip the livestock~~] at the time and place directed in the order or, prior to a treatment [~~dipping~~] date in the order, states that he or she does not intend to treat the animals [~~dip the livestock~~], the inspector in charge of tick eradication in that county shall notify a peace officer.

(b) The peace officer shall deputize a sufficient number of assistants, to be designated by the supervising inspector of the county, shall enter the property on which the animals [~~livestock~~] are located, and shall gather and treat the animals [~~dip the livestock~~] under the supervision of an inspector and in accordance with the directions of the commission.

(c) The peace officer shall continue to treat the animals [~~dip the livestock~~] on each treatment [~~dipping~~] date specified in the order until the person responsible for treatment [~~dipping~~] begins and continues the treatment [~~dipping~~] in accordance with that order.

Sec. 167.104. SEIZURE AND DISPOSAL OF ANIMALS [~~LIVESTOCK~~] RUNNING AT LARGE. (a) An inspector may request a peace officer to seize animals [~~livestock~~] if:

(1) the inspector determines the animals [~~livestock~~] to be running at large or on the open range of a county or part of a county in which the commission is conducting tick eradication under this chapter; and

(2) the inspector is unable to locate the owner or caretaker of the animals [~~livestock~~].

(b) The peace officer may deputize assistants, shall seize the animals [~~livestock~~], and shall treat the animals [~~dip the livestock~~] under the supervision of an inspector. The officer shall impound the animals [~~livestock~~] at a place designated by the inspector or otherwise dispose of the animals [~~livestock~~] as necessary for the purpose of tick eradication.

Sec. 167.105. SEIZURE AND DISPOSAL OF ANIMALS [~~LIVESTOCK~~] MOVED IN VIOLATION OF QUARANTINE. (a) An inspector who discovers animals [~~livestock~~] that are being or have been moved in violation of a quarantine may request a peace officer to seize the animals [~~livestock~~] and:

(1) impound the animals [~~livestock~~] at the expense of the owner; or

(2) if practicable, return the animals [~~livestock~~] at the expense of the owner to the point of origin.

(b) In addition to other expenses, the owner of the seized animals [~~livestock~~] shall pay the officer a fee of \$2 and the cost of feeding, watering, and holding the animals [~~livestock~~].

SECTION 27. Subsection (c), Section 167.106, Agriculture Code, is amended to read as follows:

(c) The commission or a resident of a county or part of a county in which tick eradication is being conducted may sue for permanent or temporary relief to compel a person who is an owner, part owner, or caretaker of animals to treat the animals [~~livestock to dip that livestock~~] in accordance with this chapter if the person has failed or refused to treat the animals [~~dip the livestock~~] or has threatened to fail or refuse to treat the animals [~~dip the livestock~~]. If the court finds that the defendant has been served with an order of the commission to treat the animals [~~dip the livestock~~], that the animals [~~livestock~~] are subject to treatment [~~dipping~~], and that the material allegations of the plaintiff's petition are true, the court shall enter an order commanding the defendant to treat the animals [~~dip the livestock~~] in accordance with the directions of the commission at the time and place designated in the order of the commission or in the order of the court. If the defendant fails to comply with the order of the court, the court may hold the defendant in contempt and punish the defendant accordingly and shall order a peace officer to deputize assistants and treat the animals [~~dip the livestock~~] in accordance with the order of the court. The expense of treating the animals [~~dipping the livestock~~] and employing the peace officer and assistants shall be taxed against the defendant as a cost of suit.

SECTION 28. Section 167.107, Agriculture Code, is amended to read as follows:

Sec. 167.107. SALE OF ANIMALS TREATED [~~LIVESTOCK DIPPED~~] OR SEIZED BY PEACE OFFICER.

(a) A peace officer who gathers and treats [~~dips~~] or who seizes and impounds or disposes of animals [~~livestock~~] under Section 167.103, 167.104, or 167.105 [~~of this code~~] is entitled to retain and sell the animals [~~livestock~~] for the purpose of securing payment for the expenses of handling, including the expenses of holding, feeding, and watering the animals [~~livestock~~].

(b) Not later than the 60th day after the day on which animals are treated [~~livestock are dipped~~] or seized, the peace officer may sell at public sale to the highest bidder a number of the animals sufficient to cover the

secured expenses. The officer shall conduct the sale at the courthouse door of the county in which the animals [~~livestock~~] are located and shall post notice of the sale at that courthouse door at least five days before the day of the sale.

(c) If any proceeds of the sale remain after deducting the amount to which the peace officer is entitled, the peace officer shall pay those proceeds to the county treasurer subject to the order of the owner of the animals [~~livestock~~].

(d) A peace officer who treats animals [~~dips livestock~~] under Section 167.103 [~~of this code~~] is entitled to act under this section to secure the expenses of each day on which the animals are treated [~~dipped~~].

SECTION 29. Subsections (a), (b), (c), (d), (e), and (g), Section 167.108, Agriculture Code, are amended to read as follows:

(a) A peace officer who gathers and treats [~~dips~~] or who seizes and impounds or disposes of animals [~~livestock~~] under Section 167.103, 167.104, or 167.105 [~~of this code~~] has a lien on the animals [~~livestock~~] for the purpose of securing payment of the officer's fees and the expenses of handling the animals [~~livestock~~], including the expenses of holding, feeding, and watering the animals [~~livestock~~] and the expenses of paying assistants. Instead of retaining and selling the animals [~~livestock~~] under Section 167.107 [~~of this code~~], the officer may perfect and foreclose a lien granted by this section.

(b) A peace officer who treats animals [~~dips livestock~~] in accordance with an order of a court under Section 167.106(c) [~~of this code~~], and the peace officer's assistants, have a lien on the animals [~~livestock~~] to secure payment of the expenses and costs of the treatment [~~dipping~~].

(c) A peace officer may perfect a lien under Subsection (a) [~~of this section~~] by filing a sworn statement of indebtedness with the county clerk of the county in which the animals [~~livestock~~] are located. The statement must describe the animals [~~livestock~~] and must be filed within six months after the treatment [~~dipping~~] or other action of the peace officer giving rise to the lien. The statement may cover a single action or actions over a period of time. If the statement covers actions over a period of time, the statement must be filed within six months after the last treatment [~~dipping~~] or other action giving rise to the lien.

(d) A peace officer may perfect a lien under Subsection (b) [~~of this section~~] by filing a sworn statement covering a single treatment [~~dipping~~] or a number of treatments [~~dippings~~] with the clerk of the district court. The statement must show the number of animals treated [~~livestock dipped~~] and must describe the animals [~~livestock~~]. The statement must be filed within 12 months after each treatment [~~dipping~~].

(e) A peace officer may foreclose a lien under Subsection (a) [~~of this section~~] by filing suit against the owner of the animals [~~livestock~~] in a court of competent jurisdiction for collection of the account and foreclosure of the lien. The suit must be filed within 24 months after the statement is filed with the county clerk. In the suit, the court may not require a cost bond of the peace officer or any person to whom the peace officer has assigned the account. The court shall enter judgment for the debt, with interest and costs of suit, and for foreclosure of the lien on the number of animals that the court determines necessary to defray the expenses and fees secured.

(g) If a lien is foreclosed under this section, the remainder of the proceeds of the sale following deduction of expenses and costs shall be paid to the clerk of the court in which the suit is pending and are subject to the order of the owner of the animals [~~livestock~~].

SECTION 30. Sections 167.110, 167.111, and 167.112, Agriculture Code, are amended to read as follows:

Sec. 167.110. PRESUMPTION OF EXISTENCE OR SUFFICIENCY OF TREATMENT [~~DHP~~]. (a) In the trial of any case under this chapter in connection with the treatment of animals [~~dipping of livestock~~] or the failure to treat animals [~~dip livestock~~], it is presumed that:

(1) the treatment [~~dipping vat~~] contained a sufficient amount of treatment chemical and the treatment chemical [~~dipping solution and the dipping solution~~] had been properly tested; or

(2) the treatment chemical [~~dipping solution~~] could have and would have been put into the treatment facility [~~vat~~] and tested if the owner or caretaker had brought the animals to the treatment facility [~~livestock to the vat~~] for the purpose of treatment [~~dipping~~].

(b) In a criminal prosecution for failure to treat animals [~~dip livestock~~] under this chapter, the state is not required to allege and prove that the treatment facility [~~vat~~] contained treatment chemical [~~dipping solution~~].

(c) If it is necessary in a court proceeding to prove the test of a treatment chemical [~~dipping solution~~], it is only



necessary to prove that:

- (1) the treatment chemical [~~dipping solution~~] used was one of the official treatment chemicals [~~dipping materials~~] prescribed by the commission; and
- (2) the inspector tested the treatment chemical [~~dipping solution~~] in accordance with the rules of the commission.

Sec. 167.111. PRESUMPTION OF OWNERSHIP OR CARE. (a) If an inspector determines that a person is the owner, part owner, or caretaker of animals [livestock] subject to treatment [dipping] and an order to treat [dip] is issued and served, it is presumed that, at the time of a failure to treat [dip], the person was still the owner, part owner, or caretaker of animals [livestock] subject to treatment [dipping] located on the premises described in the order. In that case, the state is required to prove only that the person was the owner, part owner, or caretaker of animals [livestock] subject to treatment [dipping] located on the premises at the time the order was served.

(b) After the service of an order to treat [dip], if there are no longer any animals [livestock] subject to treatment [dipping] located on the premises and if no animals [livestock] subject to treatment [dipping] have been illegally removed, the defendant may file a sworn statement of that fact at the beginning of the trial. If the defendant does not file that statement, it is presumed that the defendant's status as owner, part owner, or caretaker remained unchanged since the service of the order.

Sec. 167.112. VENUE OF CRIMINAL PROSECUTION. The owner, part owner, or caretaker of animals [livestock] is subject to prosecution under this chapter in the county in which the animals [livestock] and the premises are located, regardless of whether the defendant was in the county at the time of issuance and service of the order to treat [dip], at the time of the failure to treat [dip], or at the time of violation of the quarantine.

SECTION 31. Subsection (a), Section 167.131, Agriculture Code, is amended to read as follows:

(a) A person commits an offense if, as the owner, part owner, or caretaker of animals [livestock], the person fails to gather the animals [livestock] for inspection at the time and place ordered by the commission under Section 167.008 [~~of this code~~].

SECTION 32. Section 167.132, Agriculture Code, is amended to read as follows:

Sec. 167.132. MOVEMENT OF ANIMALS [LIVESTOCK] IN VIOLATION OF QUARANTINE. (a) A person commits an offense if the person moves, or as owner, part owner, or caretaker permits the movement of, animals [livestock] from any land, premises, or enclosure that is under quarantine for tick infestation or exposure in violation of the quarantine without a permit issued by an inspector of the commission or of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

(b) A railroad or other transportation company commits an offense if it permits an animal [~~a head of livestock~~] to enter stock pens in the tick eradication area under the company's control without a written certificate or permit from an inspector of the commission or of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

(c) An offense under this section is a Class C misdemeanor for each animal [~~head of livestock~~] moved, permitted to move, or permitted to enter the pen unless it is shown on the trial of the offense that the defendant has been previously convicted under this section, in which event the offense is a Class B misdemeanor.

(d) Except as provided by this subsection, a person commits a separate offense under Subsection (a) [~~of this section~~] for each county into which animals [livestock] are moved within 30 days following the day on which the animals [livestock] leave the county in which they were quarantined. A person does not commit an offense for a county if the person complied with the requirements of this chapter prior to entry into that county.

SECTION 33. Subsections (a) and (b), Section 167.133, Agriculture Code, are amended to read as follows:

(a) A person commits an offense if the person:

(1) moves animals [livestock] or, as owner, part owner, or caretaker, permits animals [livestock] to be moved into this state in violation of Section 167.026(a) [~~of this code~~]; or

(2) moves animals or commodities into this state in violation of Section 167.026(b) or (c) [~~of this code~~].

(b) An offense under Subsection (a)(1) [~~of this code~~] is a Class C misdemeanor for each animal [~~head of livestock~~] moved or permitted to be moved unless it is shown on the trial of the offense that the defendant has been previously convicted under this section, in which event the offense is a Class B misdemeanor.

SECTION 34. Sections 167.134 and 167.135, Agriculture Code, are amended to read as follows:

Sec. 167.134. MOVEMENT OF ANIMALS [~~LIVESTOCK~~] IN VIOLATION OF PERMIT OR CERTIFICATE.

(a) A person commits an offense if the person moves or, as owner, part owner, or caretaker, permits the movement of, animals [~~livestock~~] under a certificate or permit from quarantined land, premises, or enclosures to a place other than that designated on the certificate or permit by the inspector.

(b) An offense under this section is a Class C misdemeanor for each animal [~~head of livestock~~] moved unless it is shown on the trial of the offense that the defendant has been previously convicted under this section, in which event the offense is a Class B misdemeanor.

Sec. 167.135. FAILURE TO POSSESS OR EXHIBIT PERMIT OR CERTIFICATE. (a) A person commits an offense if the person is in charge of animals [~~livestock~~] for which a certificate or permit is required or is in charge of the conveyance transporting that animal [~~livestock~~] and the person fails to possess or exhibit the certificate or permit in the manner provided by Section 167.027 [~~of this code~~].

(b) An offense under this section is a Class C misdemeanor for each animal [~~head of livestock~~] moved or conveyed without a certificate or permit as required by Subsection (a) [~~of this section~~] unless it is shown on the trial of the offense that the defendant has been previously convicted under this section, in which event the offense is a Class B misdemeanor.

SECTION 35. Subsection (a), Section 167.138, Agriculture Code, is amended to read as follows:

(a) A person commits an offense if the person uses sand as bedding in an animal [~~a livestock~~] conveyance in violation of a quarantine established or a commission rule adopted under Section 167.031 [~~of this code~~].

SECTION 36. The heading to Section 167.140, Agriculture Code, is amended to read as follows:

Sec. 167.140. IMPROPER HANDLING AND REMOVAL OF ANIMAL [~~LIVESTOCK~~] REFUSE OR DEAD OR INJURED ANIMALS [~~LIVESTOCK~~].

SECTION 37. The heading to Section 167.141, Agriculture Code, is amended to read as follows:

Sec. 167.141. FAILURE TO TREAT ANIMALS [~~DIP LIVESTOCK~~].

SECTION 38. Subsection (a), Section 167.141, Agriculture Code, is amended to read as follows:

(a) A person who is the owner, part owner, or caretaker of animals [~~livestock~~] commits an offense if, after the 12th day following the day on which notice of an order to treat [~~dip~~] is received, the person fails or refuses to treat the animals [~~dip the livestock~~] as prescribed in the order, on any date prescribed in the order, during the hours prescribed in the order, under the supervision of an inspector, with [~~in~~] an official treatment chemical [~~dipping material~~], or in the treatment facility [~~dipping vat~~] designated in the order.

SECTION 39. The heading to Section 167.142, Agriculture Code, is amended to read as follows:

Sec. 167.142. DESTRUCTION OF PUBLIC TREATMENT [~~DIPPING~~] FACILITIES.

SECTION 40. (a) The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 41. Not later than December 1, 2013, the Texas Animal Health Commission shall adopt rules as required by this Act.

SECTION 42. This Act takes effect September 1, 2013.

**S.B. No. 1114**

AN ACT

relating to the prosecution of certain misdemeanor offenses committed by children and to school district law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 45.058, Code of Criminal Procedure, is amended by adding Subsections (i) and (j) to read as follows:

(i) If a law enforcement officer issues a citation or files a complaint in the manner provided by Article 45.018 for conduct by a child 12 years of age or older that is alleged to have occurred on school property or on a vehicle owned or operated by a county or independent school district, the officer shall submit to the court

the offense report, a statement by a witness to the alleged conduct, and a statement by a victim of the alleged conduct, if any. An attorney representing the state may not proceed in a trial of an offense unless the law enforcement officer complied with the requirements of this subsection.

(j) Notwithstanding Subsection (g) or (g-1), a law enforcement officer may not issue a citation or file a complaint in the manner provided by Article 45.018 for conduct by a child younger than 12 years of age that is alleged to have occurred on school property or on a vehicle owned or operated by a county or independent school district.

SECTION 2. Section 25.0915, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A court shall dismiss a complaint or referral made by a school district under this section that is not made in compliance with Subsection (b).

SECTION 3. Subsection (a), Section 37.001, Education Code, is amended to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, ~~or~~ disciplinary alternative education program, or vehicle owned or operated by the district;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom, ~~and~~ on school grounds, and on a vehicle owned or operated by the district;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

SECTION 4. Subsections (b), (d), and (f), Section 37.081, Education Code, are amended to read as follows:

(b) In a peace officer's jurisdiction, a peace officer commissioned under this section:

(1) has the powers, privileges, and immunities of peace officers;

(2) may enforce all laws, including municipal ordinances, county ordinances, and state laws; and

(3) may, in accordance with Chapter 52, Family Code, or Article 45.058, Code of Criminal Procedure, take a

child [juvenile] into custody.

(d) A school district peace officer shall perform [~~administrative and~~] law enforcement duties for the school district as determined by the board of trustees of the school district. Those duties must include protecting:

- (1) the safety and welfare of any person in the jurisdiction of the peace officer; and
- (2) the property of the school district.

(f) The chief of police of the school district police department shall be accountable to the superintendent and shall report to the superintendent [~~or the superintendent's designee~~]. School district police officers shall be supervised by the chief of police of the school district or the chief of police's designee and shall be licensed by the Commission on Law Enforcement Officer Standards and Education.

SECTION 5. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.085 to read as follows:

Sec. 37.085. ARRESTS PROHIBITED FOR CERTAIN CLASS C MISDEMEANORS. Notwithstanding any other provision of law, a warrant may not be issued for the arrest of a person for a Class C misdemeanor under this code committed when the person was younger than 17 years of age.

SECTION 6. Subsection (a), Section 37.124, Education Code, is amended to read as follows:

(a) A person other than a primary or secondary grade student enrolled in the school commits an offense if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities.

SECTION 7. Subsection (a), Section 37.126, Education Code, is amended to read as follows:

(a) Except as provided by Section 37.125, a person other than a primary or secondary grade student commits an offense if the person intentionally disrupts, prevents, or interferes with the lawful transportation of children:

- (1) to or from school on a vehicle owned or operated by a county or independent school district; or
- (2) to or from an activity sponsored by a school on a vehicle owned or operated by a county or independent school district.

SECTION 8. Section 52.031, Family Code, is amended by adding Subsection (a-1) and amending Subsections (d), (f), (i), and (j) to read as follows:

(a-1) A child accused of a Class C misdemeanor, other than a traffic offense, may be referred to a first offender program established under this section prior to the filing of a complaint with a criminal court.

(d) A law enforcement officer taking a child into custody for conduct described by Subsection (a) or before issuing a citation to a child for an offense described by Subsection (a-1) may refer the child to the law enforcement officer or agency designated under Subsection (b) for disposition under the first offender program and not refer the child to juvenile court for the conduct or file a complaint with a criminal court for the offense only if:

- (1) the child has not previously been adjudicated as having engaged in delinquent conduct;
- (2) the referral complies with guidelines for disposition under Subsection (c); and
- (3) the officer reports in writing the referral to the agency, identifying the child and specifying the grounds for taking the child into custody or for accusing the child of an offense.

(f) The parent, guardian, or other custodian of the child must receive notice that the child has been referred for disposition under the first offender program. The notice must:

- (1) state the grounds for taking the child into custody for conduct described by Subsection (a), or for accusing the child of an offense described by Subsection (a-1);
- (2) identify the law enforcement officer or agency to which the child was referred;
- (3) briefly describe the nature of the program; and
- (4) state that the child's failure to complete the program will result in the child being referred to the juvenile court for the conduct or a complaint being filed with a criminal court for the offense.

(i) The case of a child who successfully completes the first offender program is closed and may not be referred to juvenile court or filed with a criminal court, unless the child is taken into custody under circumstances described by Subsection (j)(3).

(j) The case of a child referred for disposition under the first offender program shall be referred to juvenile court or, if the child is accused of an offense described by Subsection (a-1), filed with a criminal court if:

- (1) the child fails to complete the program;



- (2) the child or the parent, guardian, or other custodian of the child terminates the child's participation in the program before the child completes it; or
- (3) the child completes the program but is taken into custody under Section 52.01 before the 90th day after the date the child completes the program for conduct other than the conduct for which the child was referred to the first offender program.

SECTION 9. Section 42.01, Penal Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) For purposes of Subsection (a), the term "public place" includes a public school campus or the school grounds on which a public school is located.

SECTION 10. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense is committed before the effective date of this Act if any element of the offense was committed before that date.

(b) Section 37.085, Education Code, as added by this Act, applies to an offense committed before, on, or after the effective date of this Act.

SECTION 11. This Act takes effect September 1, 2013.

**S.B. No. 1189**

#### AN ACT

relating to the disposition of certain firearms seized by a law enforcement agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 573.001, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) A peace officer who takes a person into custody under Subsection (a) may immediately seize any firearm found in possession of the person. After seizing a firearm under this subsection, the peace officer shall comply with the requirements of Article 18.191, Code of Criminal Procedure.

SECTION 2. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.191 to read as follows:  
Art. 18.191. DISPOSITION OF FIREARM SEIZED FROM CERTAIN PERSONS WITH MENTAL ILLNESS.

(a) A law enforcement officer who seizes a firearm from a person taken into custody under Section 573.001, Health and Safety Code, and not in connection with an offense involving the use of a weapon or an offense under Chapter 46, Penal Code, shall immediately provide the person a written copy of the receipt for the firearm and a written notice of the procedure for the return of a firearm under this article.

(b) The law enforcement agency holding a firearm subject to disposition under this article shall, as soon as possible, but not later than the 15th day after the date the person is taken into custody under Section 573.001, Health and Safety Code, provide written notice of the procedure for the return of a firearm under this article to the last known address of the person's closest immediate family member as identified by the person or reasonably identifiable by the law enforcement agency, sent by certified mail, return receipt requested. The written notice must state the date by which a request for the return of the firearm must be submitted to the law enforcement agency as provided by Subsection (h).

(c) Not later than the 30th day after the date a firearm subject to disposition under this article is seized, the law enforcement agency holding the firearm shall contact the court in the county having jurisdiction to order commitment under Chapter 574, Health and Safety Code, and request the disposition of the case. Not later than the 30th day after the date of this request, the clerk of the court shall advise the requesting agency whether the person taken into custody was released under Section 573.023, Health and Safety Code, or was ordered to receive inpatient mental health services under Section 574.034 or 574.035, Health and Safety Code.

(d) Not later than the 30th day after the date the clerk of the court informs a law enforcement agency holding a firearm subject to disposition under this article that the person taken into custody was released under Section 573.023, Health and Safety Code, the law enforcement agency shall:

- (1) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm under 18 U.S.C. Section 922(g); and
- (2) provide written notice to the person by certified mail that the firearm may be returned to the person on

verification under Subdivision (1) that the person may lawfully possess the firearm.

(e) Not later than the 30th day after the date the clerk of the court informs a law enforcement agency holding a firearm subject to disposition under this article that the person taken into custody was ordered to receive inpatient mental health services under Section 574.034 or 574.035, Health and Safety Code, the law enforcement agency shall provide written notice to the person by certified mail that the person:

(1) is prohibited from owning, possessing, or purchasing a firearm under 18 U.S.C. Section 922(g)(4);

(2) may petition the court that entered the commitment order for relief from the firearms disability under Section 574.088, Health and Safety Code; and

(3) may dispose of the firearm in the manner provided by Subsection (f).

(f) A person who receives notice under Subsection (e) may dispose of the person's firearm by:

(1) releasing the firearm to the person's designee, if:

(A) the law enforcement agency holding the firearm conducts a check of state and national criminal history record information and verifies that the designee may lawfully possess a firearm under 18 U.S.C. Section 922(g);

(B) the person provides to the law enforcement agency a copy of a notarized statement releasing the firearm to the designee; and

(C) the designee provides to the law enforcement agency an affidavit confirming that the designee:

(i) will not allow access to the firearm by the person who was taken into custody under Section 573.001, Health and Safety Code, at any time during which the person may not lawfully possess a firearm under 18 U.S.C. Section 922(g); and

(ii) acknowledges the responsibility of the designee and no other person to verify whether the person has reestablished the person's eligibility to lawfully possess a firearm under 18 U.S.C. Section 922(g); or

(2) releasing the firearm to the law enforcement agency holding the firearm, for disposition under Subsection (h).

(g) If a firearm subject to disposition under this article is wholly or partly owned by a person other than the person taken into custody under Section 573.001, Health and Safety Code, the law enforcement agency holding the firearm shall release the firearm to the person claiming a right to or interest in the firearm after:

(1) the person provides an affidavit confirming that the person:

(A) wholly or partly owns the firearm;

(B) will not allow access to the firearm by the person who was taken into custody under Section 573.001, Health and Safety Code, at any time during which that person may not lawfully possess a firearm under 18 U.S.C. Section 922(g); and

(C) acknowledges the responsibility of the person and no other person to verify whether the person who was taken into custody under Section 573.001, Health and Safety Code, has reestablished the person's eligibility to lawfully possess a firearm under 18 U.S.C. Section 922(g); and

(2) the law enforcement agency holding the firearm conducts a check of state and national criminal history record information and verifies that the person claiming a right to or interest in the firearm may lawfully possess a firearm under 18 U.S.C. Section 922(g).

(h) If a person to whom written notice is provided under Subsection (b) or another lawful owner of a firearm subject to disposition under this article does not submit a written request to the law enforcement agency for the return of the firearm before the 121st day after the date the law enforcement agency holding the firearm provides written notice under Subsection (b), the law enforcement agency may have the firearm sold by a person who is a licensed firearms dealer under 18 U.S.C. Section 923. The proceeds from the sale of a firearm under this subsection shall be given to the owner of the seized firearm, less the cost of administering this subsection. An unclaimed firearm that was seized from a person taken into custody under Section 573.001, Health and Safety Code, may not be destroyed or forfeited to the state.

SECTION 3. The change in law made by this Act applies only to the disposition of a firearm that is seized by a law enforcement agency on or after the effective date of this Act. The disposition of a firearm that was seized by a law enforcement agency before the effective date of this Act is covered by the law in effect when the firearm was seized, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

## AN ACT

relating to the rights of certain victims of sexual assault.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (2-a), Article 56.01, Code of Criminal Procedure, is amended to read as follows:

(2-a) "Sexual assault" means ~~[includes]~~ an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code.

SECTION 2. Subsections (a), (c), and (d), Article 56.02, Code of Criminal Procedure, are amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

- (1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- (2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
- (3) the right, if requested, to be informed:
  - (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and
  - (B) by an appellate court of decisions of the court, after the decisions are entered but before the decisions are made public;
- (4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
- (5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
- (6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment for a medical examination under Article 56.06 for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;
- (7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this subchapter, and to be notified, if requested, of the defendant's release;
- (8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;
- (9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;
- (10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;
- (11) ~~[the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code; [(12)] the~~

right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(12) [(13)] the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole;

~~[(14)to the extent provided by Articles 56.06 and 56.065, for a victim of a sexual assault, the right to a forensic medical examination if, within 96 hours of the sexual assault, the assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility;]~~ and

(13) [(15)] for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance.

(c) The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by ~~[Subsection (a) of]~~ this article and Article 56.021 and, on request, an explanation of those rights.

(d) A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article or Article 56.021. The failure or inability of any person to provide a right or service enumerated in this article or Article 56.021 may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

SECTION 3. Subchapter A, Chapter 56, Code of Criminal Procedure, is amended by adding Article 56.021 to read as follows:

Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT. (a) In addition to the rights enumerated in Article 56.02, if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed;

(2) if requested, the right to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense;

(3) if requested, the right to be notified:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(4) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection;

(5) for the victim of the offense, testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and



(6) to the extent provided by Articles 56.06 and 56.065, for the victim of the offense, the right to a forensic medical examination if, within 96 hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.

(b) A victim, guardian, or relative who requests to be notified under Subsection (a)(3) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.

(c) A victim, guardian, or relative may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(3).

SECTION 4. Subsection (b), Article 56.03, Code of Criminal Procedure, is amended to read as follows:

(b) The victim impact statement must be in a form designed to inform a victim, guardian of a victim, or a close relative of a deceased victim with a clear statement of rights provided by Articles [Article] 56.02 and 56.021 and to collect the following information:

- (1) the name of the victim of the offense or, if the victim has a legal guardian or is deceased, the name of a guardian or close relative of the victim;
- (2) the address and telephone number of the victim, guardian, or relative through which the victim, guardian of a victim, or a close relative of a deceased victim, may be contacted;
- (3) a statement of economic loss suffered by the victim, guardian, or relative as a result of the offense;
- (4) a statement of any physical or psychological injury suffered by the victim, guardian, or relative as a result of the offense, as described by the victim, guardian, relative, or by a physician or counselor;
- (5) a statement of any psychological services requested as a result of the offense;
- (6) a statement of any change in the victim's, guardian's, or relative's personal welfare or familial relationship as a result of the offense;
- (7) a statement as to whether or not the victim, guardian, or relative wishes to be notified in the future of any parole hearing for the defendant and an explanation as to the procedures by which the victim, guardian, or relative may obtain information concerning the release of the defendant from the Texas Department of Criminal Justice; and
- (8) any other information, other than facts related to the commission of the offense, related to the impact of the offense on the victim, guardian, or relative.

SECTION 5. Subsection (b), Article 56.04, Code of Criminal Procedure, is amended to read as follows:

(b) The duty of the victim assistance coordinator is to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted victims, guardians, and relatives by Articles [Article] 56.02 and 56.021 [of this code]. The victim assistance coordinator shall work closely with appropriate law enforcement agencies, prosecuting attorneys, the Board of Pardons and Paroles, and the judiciary in carrying out that duty.

SECTION 6. Subsections (b) and (f), Article 56.045, Code of Criminal Procedure, are amended to read as follows:

(b) The advocate may only provide the injured person with:

- (1) counseling and other support services; and
- (2) information regarding the rights of crime victims under Articles [Article] 56.02 and 56.021.

(f) If a person alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution, as defined by Section 1.07, Penal Code, at the time of the alleged assault, the penal institution shall provide, at the person's request, a representative to be present with the person at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault. The representative may only provide the injured person with counseling and other support services and with information regarding the rights of crime victims under Articles [Article] 56.02 and 56.021 and may not delay or otherwise impede the screening or stabilization of an emergency medical condition. The representative must be approved by the penal institution and must be a:

- (1) psychologist;
- (2) sociologist;

- (3) chaplain;
- (4) social worker;
- (5) case manager; or
- (6) volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.

SECTION 7. Subsection (a), Article 56.07, Code of Criminal Procedure, is amended to read as follows:

(a) At the initial contact or at the earliest possible time after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall provide the victim a written notice containing:

- (1) information about the availability of emergency and medical services, if applicable;
- (2) notice that the victim has the right to receive information regarding compensation to victims of crime as provided by Subchapter B, Chapter 56, including information about:
  - (A) the costs that may be compensated under that Act and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that Act;
  - (B) the payment for a medical examination for a victim of a sexual assault under Article 56.06 of this code; and
  - (C) referral to available social service agencies that may offer additional assistance;
- (3) the name, address, and phone number of the law enforcement agency's victim assistance liaison;
- (4) the address, phone number, and name of the crime victim assistance coordinator of the office of the attorney representing the state;
- (5) the following statement:  
"You may call the law enforcement agency's telephone number for the status of the case and information about victims' rights"; and
- (6) the rights of crime victims under Articles [Article] 56.02 and 56.021 [of this code].

SECTION 8. Subsection (a), Section 57.002, Family Code, is amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the juvenile justice system:

- (1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- (2) the right to have the court or person appointed by the court take the safety of the victim or the victim's family into consideration as an element in determining whether the child should be detained before the child's conduct is adjudicated;
- (3) the right, if requested, to be informed of relevant court proceedings, including appellate proceedings, and to be informed in a timely manner if those court proceedings have been canceled or rescheduled;
- (4) the right to be informed, when requested, by the court or a person appointed by the court concerning the procedures in the juvenile justice system, including general procedures relating to:
  - (A) the preliminary investigation and deferred prosecution of a case; and
  - (B) the appeal of the case;
- (5) the right to provide pertinent information to a juvenile court conducting a disposition hearing concerning the impact of the offense on the victim and the victim's family by testimony, written statement, or any other manner before the court renders its disposition;
- (6) the right to receive information regarding compensation to victims as provided by Subchapter B, Chapter 56, Code of Criminal Procedure, including information related to the costs that may be compensated under that subchapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter, the payment of medical expenses under Section 56.06, Code of Criminal Procedure, for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;
- (7) the right to be informed, upon request, of procedures for release under supervision or transfer of the person to the custody of the Texas Department of Criminal Justice for parole, to participate in the release or transfer for parole process, to be notified, if requested, of the person's release, escape, or transfer for parole proceedings concerning the person, to provide to the Texas Juvenile Justice Department [~~Texas Youth Commission~~]

for inclusion in the person's file information to be considered by the commission before the release under supervision or transfer for parole of the person, and to be notified, if requested, of the person's release or transfer for parole;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the child alleged to have committed the conduct and relatives of the child, before testifying in any proceeding concerning the child, or, if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the child and the child's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to be present at all public court proceedings related to the conduct of the child as provided by Section 54.08, subject to that section; and

(12) any other right appropriate to the victim that a victim of criminal conduct has under Article 56.02 or 56.021, Code of Criminal Procedure.

SECTION 9. To allow the Texas Crime Victim Clearinghouse sufficient time to update the victim impact statement form as required by Subsection (h), Article 56.03, Code of Criminal Procedure, a law enforcement agency, prosecutor, or other participant in the criminal justice system is not required to use a victim impact statement form that complies with Article 56.03, Code of Criminal Procedure, as amended by this Act, until January 1, 2014.

SECTION 10. This Act takes effect September 1, 2013.

**S.B. No. 1237**

#### AN ACT

relating to referral of disputes for alternative dispute resolution, including victim-directed referrals; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 152.002, Civil Practice and Remedies Code, is amended to read as follows:

(b) The commissioners court may do all necessary acts to make the alternative dispute resolution system effective, including:

(1) contracting with a private nonprofit corporation, a political subdivision, a public corporation, or a combination of these entities for the purpose of administering the system;

(2) making reasonable rules relating to the system, including rules specifying whether criminal cases may be referred to the system; and

(3) vesting management of the system in a committee selected by the county bar association.

SECTION 2. Section 152.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 152.003. REFERRAL OF CASES. (a) A judge of a district court, county court, statutory county court, probate court, or justice of the peace court in a county in which an alternative dispute resolution system has been established may, on motion of a party or on the judge's or justice's own motion, refer a civil or, if the system accepts criminal cases and on the request of an attorney representing the state, a criminal case to the system regardless of whether the defendant in the criminal case has been formally charged. Referral under this section does not prejudice the case.

(b) Before requesting a referral of a criminal case under this section, an attorney representing the state must obtain the consent of the victim and the defendant to the referral.

(c) A criminal case may not be referred to the system if the defendant is charged with or convicted of an offense listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure, or convicted of an offense, the judgment for which contains an affirmative finding under Section 3g(a)(2), Article 42.12, Code of Criminal Procedure.

SECTION 3. Section 152.006, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION CENTERS. An entity described by Section ~~152.002(a) or (b)(1)~~ ~~[152.002(b)(1)]~~ that provides services for the resolution of disputes ~~[in a county that borders the Gulf of Mexico with a population of 250,000 or more but less than 300,000]~~ may collect a reasonable fee ~~[in any amount]~~ set by the commissioners court ~~[from a person who receives the services]~~. This section may not be construed to affect the collection of a fee by any other entity described by Section ~~152.002(b)(1)]~~.

SECTION 4. Chapter 152, Civil Practice and Remedies Code, is amended by adding Section 152.007 to read as follows:

Sec. 152.007. PARTICIPANT FEE FOR CRIMINAL DISPUTE RESOLUTION. (a) An entity that provides services for the resolution of criminal disputes under this chapter may collect a reasonable fee set by the commissioners court from a person who receives the services, not to exceed \$350, except that a fee may not be collected from an alleged victim of the crime.

(b) Fees collected under this section may be paid on a periodic basis or on a deferred payment schedule at the discretion of the judge, magistrate, or program director administering the pretrial victim-offender mediation program. The fees must be based on the defendant's ability to pay.

SECTION 5. (a) The changes in law made by this Act with respect to criminal cases apply only to a criminal case in which the defendant is arrested for or charged with an offense that occurs on or after the effective date of this Act. A criminal case in which the defendant is arrested for or charged with an offense that occurs before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

(b) The changes in law made by this Act with respect to civil cases apply only to a civil case referred to a county alternative dispute resolution system on or after the effective date of this Act. A civil case referred before the effective date of this Act is governed by the law applicable to the case immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2013.

**S.B. No. 1289**

#### AN ACT

relating to certain business entities engaged in the publication of mug shots and other information regarding the involvement of an individual in the criminal justice system; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 109 to read as follows:

#### CHAPTER 109. BUSINESS ENTITIES ENGAGED IN PUBLICATION OF CRIMINAL RECORD INFORMATION

Sec. 109.001. DEFINITIONS. In this chapter:

(1) "Criminal justice agency" has the meaning assigned by Section 411.082, Government Code.

(2) "Criminal record information" means information about a person's involvement in the criminal justice system. The term includes:

(A) a description or notation of any arrests, any formal criminal charges, and the dispositions of those criminal charges;

(B) a photograph of the person taken pursuant to an arrest or other involvement in the criminal justice system;  
and

(C) personal identifying information of a person displayed in conjunction with any other record of the person's involvement in the criminal justice system.

(3) "Personal identifying information" means information that alone or in conjunction with other information identifies a person, including a person's name, address, date of birth, photograph, and social security number or other government-issued identification number.

(4) "Publish" means to communicate or make information available to another person in writing or by means of



telecommunications and includes communicating information on a computer bulletin board or similar system.  
Sec. 109.002. APPLICABILITY OF CHAPTER. This chapter applies to a business entity that:

(1) publishes criminal record information, including information:

(A) originally obtained pursuant to a request for public information under Chapter 552, Government Code; or  
(B) purchased or otherwise obtained by the entity or an affiliated business entity from the Department of Public Safety under Subchapter F, Chapter 411, Government Code; and

(2) requires the payment:

(A) of a fee in an amount of \$150 or more or other consideration of comparable value to remove criminal record information; or

(B) of a fee or other consideration to correct or modify criminal record information.

Sec. 109.003. DUTY TO PUBLISH COMPLETE AND ACCURATE CRIMINAL RECORD INFORMATION.

(a) A business entity must ensure that criminal record information the entity publishes is complete and accurate.

(b) For purposes of this chapter, criminal record information published by a business entity is considered:

(1) complete if the information reflects the notations of arrest and the filing and disposition of criminal charges, as applicable; and

(2) accurate if the information:

(A) reflects the most recent information received by the entity from the Department of Public Safety in accordance with Section 411.0851(b)(1)(B), Government Code; or

(B) was obtained by the entity from a law enforcement agency or criminal justice agency, including the Department of Public Safety, or any other governmental agency or entity within the 60-day period preceding the date of publication.

Sec. 109.004. DISPUTING COMPLETENESS OR ACCURACY OF INFORMATION. (a) A business entity shall clearly and conspicuously publish an e-mail address, fax number, or mailing address to enable a person who is the subject of criminal record information published by the entity to dispute the completeness or accuracy of the information.

(b) If a business entity receives a dispute regarding the completeness or accuracy of criminal record information from a person who is the subject of the information, the business entity shall:

(1) verify with the appropriate law enforcement agency or criminal justice agency, including the Department of Public Safety, or any other governmental agency or entity, free of charge the disputed information; and

(2) complete the investigation described by Subdivision (1) not later than the 45th business day after the date the entity receives notice of the dispute.

(c) If a business entity finds incomplete or inaccurate criminal record information after conducting an investigation prescribed by this section, the entity shall promptly remove the inaccurate information from the website or other publication or shall promptly correct the information, as applicable. The entity may not:

(1) charge a fee to remove, correct, or modify incomplete or inaccurate information; or

(2) continue to publish incomplete or inaccurate information.

(d) A business entity shall provide written notice to the person who disputed the completeness or accuracy of information of the results of an investigation conducted under this section not later than the fifth business day after the date on which the investigation is completed.

Sec. 109.005. PUBLICATION OF CERTAIN CRIMINAL RECORD INFORMATION PROHIBITED; CIVIL LIABILITY. (a) A business entity may not publish any criminal record information in the business entity's possession with respect to which the business entity has knowledge or has received notice that:

(1) an order of expunction has been issued under Article 55.02, Code of Criminal Procedure; or

(2) an order of nondisclosure has been issued under Section 411.081(d), Government Code.

(b) A business entity that publishes information in violation of Subsection (a) is liable to the individual who is the subject of the information in an amount not to exceed \$500 for each separate violation and, in the case of a continuing violation, an amount not to exceed \$500 for each subsequent day on which the violation occurs.

(c) In an action brought under this section, the court may grant injunctive relief to prevent or restrain a violation of this section.

(d) An individual who prevails in an action brought under this section is also entitled to recover court costs and

reasonable attorney's fees.

Sec. 109.006. CIVIL PENALTY; INJUNCTION. (a) A business entity that publishes criminal record information in violation of this chapter is liable to the state for a civil penalty in an amount not to exceed \$500 for each separate violation and, in the case of a continuing violation, an amount not to exceed \$500 for each subsequent day on which the violation occurs. For purposes of this subsection, each criminal record published in violation of this chapter constitutes a separate violation.

(b) The attorney general or an appropriate prosecuting attorney may sue to collect a civil penalty under this section.

(c) A civil penalty collected under this section shall be deposited in the state treasury to the credit of the general revenue fund.

(d) The attorney general may bring an action in the name of the state to restrain or enjoin a violation or threatened violation of this chapter.

(e) The attorney general or an appropriate prosecuting attorney is entitled to recover reasonable expenses incurred in obtaining injunctive relief or a civil penalty, or both, under this chapter, including court costs and reasonable attorney's fees.

Sec. 109.007. VENUE. An action under this chapter must be brought in a district court:

(1) in Travis County if the action is brought by the attorney general;

(2) in the county in which the person who is the subject of the criminal record information resides; or

(3) in the county in which the business entity is located.

Sec. 109.008. CUMULATIVE REMEDIES. The actions and remedies provided by this chapter are not exclusive and are in addition to any other action or remedy provided by law.

SECTION 2. Chapter 109, Business & Commerce Code, as added by this Act, applies to any publication of criminal record information that occurs on or after the effective date of this Act, regardless of whether:

(1) the information relates to events or activities that occurred before, on, or after that date; or

(2) the information was initially published before that date.

SECTION 3. This Act takes effect September 1, 2013.

**S.B. No. 1317**

AN ACT

relating to persons authorized to perform a marriage ceremony.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.201, Family Code, is amended to read as follows:

Sec. 2.201. EXPIRATION OF LICENSE. If a marriage ceremony has not been conducted before the 90th [~~31st~~] day after the date the license is issued, the marriage license expires.

SECTION 2. Section 2.202, Family Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) The following persons are authorized to conduct a marriage ceremony:

(1) a licensed or ordained Christian minister or priest;

(2) a Jewish rabbi;

(3) a person who is an officer of a religious organization and who is authorized by the organization to conduct a marriage ceremony; [~~and~~]

(4) a justice of the supreme court, judge of the court of criminal appeals, justice of the courts of appeals, judge of the district, county, and probate courts, judge of the county courts at law, judge of the courts of domestic relations, judge of the juvenile courts, retired justice or judge of those courts, justice of the peace, retired justice of the peace, judge of a municipal court, retired judge of a municipal court, or judge or magistrate of a federal court of this state; and

(5) a retired judge or magistrate of a federal court of this state.

(b) For the purposes of Subsection (a)(4) [~~this section~~], a retired judge or justice is a former judge or justice who is vested in the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two or who has an aggregate of at least 12 years of service as judge or justice of any type listed in Subsection

(a)(4).

(b-1) For the purposes of Subsection (a)(5), a retired judge or magistrate is a former judge or magistrate of a federal court of this state who is fully vested in the Federal Employees Retirement System under 28 U.S.C. Section 371 or 377.

SECTION 3. Section 2.201, Family Code, as amended by this Act, applies only to a marriage license that is issued on or after the effective date of this Act. A marriage license issued before the effective date of this Act is governed by the law in effect on the date the license was issued, and the former law is continued in effect for that purpose.

SECTION 4. Section 2.202, Family Code, as amended by this Act, applies only to a marriage ceremony that is conducted on or after the effective date of this Act. A marriage ceremony conducted before the effective date of this Act is governed by the law in effect on the date the ceremony was conducted, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2013.

**S.B. No. 1360**

AN ACT

relating to the punishment for the offense of tampering with a witness and the evidence that may be offered to show that offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 36.05, Penal Code, is amended to read as follows:

(a) A person commits an offense if, with intent to influence the witness, he offers, confers, or agrees to confer any benefit on a witness or prospective witness in an official proceeding, or he coerces a witness or a prospective witness in an official proceeding:

- (1) to testify falsely;
- (2) to withhold any testimony, information, document, or thing;
- (3) to elude legal process summoning him to testify or supply evidence;
- (4) to absent himself from an official proceeding to which he has been legally summoned; or
- (5) to abstain from, discontinue, or delay the prosecution of another.

SECTION 2. Section 36.05, Penal Code, is amended by adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(e-1) Notwithstanding Subsection (d), if the underlying official proceeding involves family violence, as defined by Section 71.004, Family Code, an offense under this section is the greater of:

- (1) a felony of the third degree; or
- (2) the most serious offense charged in the criminal case.

(e-2) Notwithstanding Subsections (d) and (e-1), if the underlying official proceeding involves family violence, as defined by Section 71.004, Family Code, and it is shown at the trial of the offense that the defendant has previously been convicted of an offense involving family violence under the laws of this state or another state, an offense under this section is the greater of:

- (1) a felony of the second degree; or
- (2) the most serious offense charged in the criminal case.

(e-3) For purposes of Subsection (a), a person is considered to coerce a witness or prospective witness if the person commits an act of family violence as defined by Section 71.004, Family Code, that is perpetrated, in part, with the intent to cause the witness's or prospective witness's unavailability or failure to comply and the offense is punishable under Subsection (e-1) or (e-2), as applicable.

SECTION 3. Chapter 38, Code of Criminal Procedure, is amended by adding Articles 38.48 and 38.49 to read as follows:

Art. 38.48. EVIDENCE IN PROSECUTION FOR TAMPERING WITH WITNESS OR PROSPECTIVE WITNESS INVOLVING FAMILY VIOLENCE. (a) This article applies to the prosecution of an offense under Section 36.05, Penal Code, in which:

- (1) the underlying official proceeding involved family violence, as defined by Section 71.004, Family Code; or

(2) the actor is alleged to have violated Section 36.05, Penal Code, by committing an act of family violence against a witness or prospective witness.

(b) In the prosecution of an offense described by Subsection (a), subject to the Texas Rules of Evidence or other applicable law, each party may offer testimony or other evidence of all relevant facts and circumstances that would assist the trier of fact in determining whether the actor's conduct coerced the witness or prospective witness, including the nature of the relationship between the actor and the witness or prospective witness.

Art. 38.49. FORFEITURE BY WRONGDOING. (a) A party to a criminal case who wrongfully procures the unavailability of a witness or prospective witness:

(1) may not benefit from the wrongdoing by depriving the trier of fact of relevant evidence and testimony; and  
(2) forfeits the party's right to object to the admissibility of evidence or statements based on the unavailability of the witness as provided by this article through forfeiture by wrongdoing.

(b) Evidence and statements related to a party that has engaged or acquiesced in wrongdoing that was intended to, and did, procure the unavailability of a witness or prospective witness are admissible and may be used by the offering party to make a showing of forfeiture by wrongdoing under this article, subject to Subsection (c).

(c) In determining the admissibility of the evidence or statements described by Subsection (b), the court shall determine, out of the presence of the jury, whether forfeiture by wrongdoing occurred by a preponderance of the evidence. If practicable, the court shall make the determination under this subsection before trial using the procedures under Article 28.01 of this code and Rule 104, Texas Rules of Evidence.

(d) The party offering the evidence or statements described by Subsection (b) is not required to show that:

(1) the actor's sole intent was to wrongfully cause the witness's or prospective witness's unavailability;

(2) the actions of the actor constituted a criminal offense; or

(3) any statements offered are reliable.

(e) A conviction for an offense under Section 36.05 or 36.06, Penal Code, creates a presumption of forfeiture by wrongdoing under this article.

(f) Rule 403, Texas Rules of Evidence, applies to this article. This article does not permit the presentation of character evidence that would otherwise be inadmissible under the Texas Rules of Evidence or other applicable law.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2013.

**S.B. No. 1400**

AN ACT

relating to the municipal and county regulation of air guns.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 229.001, Local Government Code, is amended to read as follows:

Sec. 229.001. FIREARMS; AIR GUNS; EXPLOSIVES. (a) Notwithstanding any other law, including Section 43.002 of this code and Chapter 251, Agriculture Code, a municipality may not adopt regulations relating to:

(1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies; or

(2) the discharge of a firearm or air gun at a sport shooting range.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) regulate the discharge of firearms or air guns within the limits of the municipality, other than at a sport shooting range;

(3) regulate the use of property, the location of a business, or uses at a business under the municipality's fire



code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection;

(4) regulate the use of firearms or air gun in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

(5) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation;

(6) regulate the carrying of a firearm or air gun by a person other than a person licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, at a:

(A) public park;

(B) public meeting of a municipality, county, or other governmental body;

(C) political rally, parade, or official political meeting; or

(D) nonfirearms-related school, college, or professional athletic event; [or]

(7) regulate the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption; or

(8) regulate the carrying of an air gun by a minor on:

(A) public property; or

(B) private property without consent of the property owner.

(c) The exception provided by Subsection (b)(6) does not apply if the firearm or air gun is in or is carried to or from an area designated for use in a lawful hunting, fishing, or other sporting event and the firearm or air gun is of the type commonly used in the activity.

(d) The exception provided by Subsection (b)(4) does not authorize the seizure or confiscation of any firearm, air gun, or ammunition from an individual who is lawfully carrying or possessing the firearm, air gun, or ammunition.

(e) In this section:

(1) "Air gun" means any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring.

(2) "Sport[, "sport] shooting range" has the meaning assigned by Section 250.001.

SECTION 2. Subchapter B, Chapter 235, Local Government Code, is amended by adding Section 235.020 to read as follows:

Sec. 235.020. DEFINITION. In this subchapter, "air gun" has the meaning assigned by Section 229.001.

SECTION 3. Section 235.022, Local Government Code, is amended to read as follows:

Sec. 235.022. AUTHORITY TO REGULATE. To promote the public safety, the commissioners court of a county by order may prohibit or otherwise regulate the discharge of firearms and air guns on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision.

SECTION 4. Section 235.023, Local Government Code, is amended to read as follows:

Sec. 235.023. PROHIBITED REGULATIONS. This subchapter does not authorize the commissioners court to regulate the transfer, ownership, possession, or transportation of firearms or air guns and does not authorize the court to require the registration of firearms or air guns.

SECTION 5. Section 236.001, Local Government Code, is amended to read as follows:

Sec. 236.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Air gun" has the meaning assigned by Section 229.001.

(2) "Sport[, "sport] shooting range" has the meaning assigned by Section 250.001.

SECTION 6. Section 236.002, Local Government Code, is amended to read as follows:

Sec. 236.002. FIREARMS; AIR GUNS; SPORT SHOOTING RANGE. Notwithstanding any other law, including Chapter 251, Agriculture Code, a county may not adopt regulations relating to:

(1) the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, air guns, ammunition, or firearm or air gun supplies; or

(2) the discharge of a firearm or air gun at a sport shooting range.

SECTION 7. Section 236.003, Local Government Code, is amended to read as follows:

Sec. 236.003. REGULATION OF OUTDOOR SPORT SHOOTING RANGE. Notwithstanding Section 236.002, a county may regulate the discharge of a firearm or air gun at an outdoor sport shooting range as provided by Subchapter B, Chapter 235.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1419**

AN ACT

relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (c), Article 45.056, Code of Criminal Procedure, are amended to read as follows:

(a) On approval of the commissioners court, city council, school district board of trustees, juvenile board, or other appropriate authority, a county court, justice court, municipal court, school district, juvenile probation department, or other appropriate governmental entity may:

(1) employ a case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or 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, with the consent of the juvenile and the juvenile's parents or guardians; [or]

(2) employ one or more juvenile case managers who:

(A) shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases; and

(B) may provide:

(i) prevention services to a child considered at risk of entering the juvenile justice system; and

(ii) intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses; or

(3) agree in accordance with Chapter 791, Government Code, to jointly employ a case manager to provide services described by Subdivisions (1) and (2).

(c) An entity that jointly employs a case manager under Subsection (a)(3) employs a juvenile case manager for purposes of Chapter 102 of this code and Chapter 102, Government Code [A county or justice court on approval of the commissioners court or a municipality or municipal court on approval of the city council may employ one or more juvenile case managers to assist the court in administering the court's juvenile docket and in supervising its court orders in juvenile cases].

SECTION 2. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.015 to read as follows:

Art. 102.015. COURT COSTS: TRUANCY PREVENTION AND DIVERSION FUND. (a) The truancy prevention and diversion fund is a dedicated account in the general revenue fund.

(b) 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, shall pay as a court cost \$2 in addition to other court costs.

(c) For purposes of this article, a person is considered to have been convicted if:

(1) a sentence is imposed; or

(2) the defendant receives deferred disposition in the case.

(d) Court costs under this article are collected in the same manner as other fines or costs. An officer collecting the costs shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county treasury or municipal treasury, as applicable.

(e) The custodian of a county treasury or municipal treasury, as applicable, shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds

collected under this article during the preceding quarter, except that the custodian may retain 50 percent of funds collected under this article for the purpose of operating or establishing a juvenile case manager program, if the county or municipality has established or is attempting to establish a juvenile case manager program.  
(f) If no funds due as costs under this article are deposited in a county treasury or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(g) The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the truancy prevention and diversion fund. The legislature may appropriate money from the account only to the criminal justice division of the governor's office for distribution to local governmental entities for truancy prevention and intervention services.

(h) A local governmental entity may request funds from the criminal justice division of the governor's office for providing truancy prevention and intervention services. The division may award the requested funds based on the availability of appropriated funds and subject to the application procedure and eligibility requirements specified by division rule.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION 3. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.034 to read as follows:

Sec. 103.034. MISCELLANEOUS COURT COSTS: TRUANCY PREVENTION AND DIVERSION FUND. Court costs of \$2 for the truancy prevention and diversion fund established under Article 102.015, Code of Criminal Procedure, shall be collected under that article.

SECTION 4. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 5. This Act takes effect September 1, 2013.

**S.B. No. 1427**

#### AN ACT

relating to the administration of the citrus budwood certification program and the creation of the citrus nursery stock certification program; providing civil, criminal, and administrative penalties and authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 19, Agriculture Code, is amended to read as follows:

CHAPTER 19. CITRUS BUDWOOD AND CITRUS NURSERY STOCK CERTIFICATION PROGRAMS  
[PROGRAM]

SECTION 2. Section 19.001, Agriculture Code, is amended to read as follows:

Sec. 19.001. PURPOSE. The purpose of this chapter is to:

- (1) establish a certified citrus budwood program to produce citrus trees that are horticulturally sound, are free from virus and other recognizable bud-transmissible diseases, and are of an assured type of citrus variety;
- (2) establish a certified citrus nursery program for citrus nursery stock sold in the citrus zone as part of an effort to produce citrus trees that are free from pathogens, including citrus greening disease, which is spread by the Asian citrus psyllid;
- (3) provide standards for foundation groves, certified citrus nurseries, and certified citrus nursery trees; and
- (4) [~~(3)~~] provide for an advisory council to make recommendations on the implementation of the programs [program].

SECTION 3. Section 19.002, Agriculture Code, is amended by adding Subdivisions (1-a), (2-a), (2-b), and (5-a) and amending Subdivisions (4) and (5) to read as follows:

(1-a) "Asian citrus psyllid" has the meaning assigned by Section 80.003.

(2-a) "Certified citrus nursery" means a nursery that meets standards required by the department for production of citrus nursery stock free from pests of citrus.

(2-b) “Certified citrus nursery stock” means citrus nursery stock propagated from cuttings or by budding, grafting, or air-layering and grown from certified citrus budwood that meets standards required by the department for assurance of type of citrus variety and for freedom from dangerous pathogens.

(4) “Citrus grower” means a citrus producer growing and producing citrus nursery stock for commercial or retail marketing purposes.

(5) “Citrus nursery” means a producer of citrus trees[;] propagated through the budding or grafting of citrus trees using certified citrus budwood.

(5-a) “Citrus nursery stock” means citrus plants to be used in a commercial or noncommercial setting.

SECTION 4. Section 19.003, Agriculture Code, is amended to read as follows:

Sec. 19.003. SCOPE. Except as otherwise provided by this chapter, this [This] chapter applies to all citrus nurseries and citrus growers.

SECTION 5. Chapter 19, Agriculture Code, is amended by adding Sections 19.0031 and 19.0041 to read as follows:

Sec. 19.0031. CITRUS ZONE. The following counties are designated as the citrus zone of this state for the purpose of this chapter: Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Starr, Willacy, and Zapata.

Sec. 19.0041. CITRUS NURSERY STOCK CERTIFICATION PROGRAM. (a) The citrus nursery stock certification program is established. The department administers the program.

(b) The department shall accomplish the purposes of the program through the certification of nurseries growing or selling citrus nursery stock in the citrus zone.

(c) All citrus nursery stock grown in or sold in the citrus zone must be grown in a certified citrus nursery.

(d) The department, in consultation with the advisory council, shall set standards for certified citrus nurseries and citrus nursery stock certification, and shall inspect citrus nurseries and the records of citrus nurseries to ensure that citrus nurseries comply with the provisions of the citrus nursery stock certification program.

(e) The department shall provide for an annual renewal of a certificate for a certified citrus nursery, including the imposition of applicable fees. The department shall renew the certificate if the nursery maintains the standards set by the department under Subsection (d).

Sec. 19.011. STOP-SALE ORDER. (a) If a person offers citrus budwood or a citrus nursery tree for sale falsely claiming that it is certified, ~~[or] that it comes from a designated foundation grove, or that it comes from a certified citrus nursery,~~ or offers citrus budwood, ~~[or] a citrus nursery tree, or citrus nursery stock~~ for sale in violation of rules adopted under this chapter, the department may issue a written order to stop the sale of that citrus budwood, ~~[or] citrus nursery tree, or citrus nursery stock~~. A person may not sell citrus budwood, ~~[or] a citrus nursery tree, or citrus nursery stock~~ that is subject to a stop-sale order under this section until:

(1) the sale is permitted by a court under Subsection (b); or

(2) the department determines that the sale of the citrus budwood, ~~[or] citrus nursery tree, or citrus nursery stock~~ is in compliance with this chapter and rules adopted under this chapter.

(a-1) The department may issue a written order to stop the sale of citrus nursery stock from a citrus nursery or to stop the operation of all or part of a citrus nursery if a person propagates citrus nursery stock in a citrus nursery for sale in the citrus zone and:

(1) the person falsely claims that the citrus nursery is certified; or

(2) if the citrus nursery is certified, the person fails to comply with the rules adopted under this chapter.

(a-2) A person may not sell citrus nursery stock out of a citrus nursery, or operate a citrus nursery or a part of a citrus nursery, that is subject to a stop-sale order under this section until:

(1) the sale is permitted by a court under Subsection (b); or

(2) the department determines that the citrus nursery is in compliance with this chapter and rules adopted under this chapter.

(b) The person named in the order may bring suit in a court in the county where the citrus budwood, ~~[or] citrus nursery tree, or citrus nursery~~ subject to the stop-sale order is located. After a hearing, the court may, as applicable, permit the citrus budwood or citrus nursery tree to be sold, or permit the citrus nursery to continue operations, if the court finds, as applicable, the citrus budwood or citrus nursery tree is not being offered for sale or that the citrus nursery is not operating in violation of this chapter.



(c) This section does not limit the department's right to act under another section of this chapter.

(d) The department shall inspect each citrus nursery in the citrus zone not less than once every two months in order to enforce this section.

SECTION 8. Subsection (a), Section 19.012, Agriculture Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) sells or offers to sell citrus budwood, ~~[or] a citrus nursery tree, or citrus nursery stock~~ falsely claiming that it is certified or that it comes from a designated foundation grove or a certified citrus nursery;

(2) uses, for commercial purposes, citrus budwood that is required by department rule to be certified and is not certified or does not come from a designated foundation grove; ~~[or]~~

(3) sells or offers to sell in the citrus zone citrus nursery stock that has not been propagated in a certified citrus nursery;

(4) operates, in the citrus zone for the propagation of citrus nursery stock, a citrus nursery that is not a certified citrus nursery or that is not in compliance with this chapter or a rule adopted under this chapter;

(5) operates, outside of the citrus zone for the propagation of citrus nursery stock for sale in the citrus zone, a citrus nursery that is not a certified citrus nursery or that is not in compliance with this chapter or a rule adopted under this chapter; or

(6) fails to comply with an order of the department issued under this chapter.

SECTION 9. Subsections (a) and (c), Section 19.013, Agriculture Code, are amended to read as follows:

(a) A person who violates this chapter, a rule adopted under this chapter, or an order adopted under this chapter is liable to the state for a civil penalty not to exceed \$500 for each violation. Each day a violation continues is a separate violation for purposes of civil penalty assessment.

(c) A civil penalty collected under this section in a suit filed by the attorney general shall be deposited to the credit of an account in the general revenue fund. A civil penalty collected under this section in a suit filed by a county or district attorney shall be divided between the state and the county in which the county or district attorney brought suit, with 50 percent of the amount collected paid to the state for deposit to the credit of an account in the general revenue fund and 50 percent of the amount collected paid to the county. Funds credited to the account in the general revenue fund may be appropriated only to the department for purposes of administering and enforcing this chapter and rules adopted under this chapter.

SECTION 12. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 13. The changes in law made by this Act apply only to a violation committed on or after the effective date of this Act. A violation committed before the effective date of this Act is covered by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

SECTION 14. This Act takes effect September 1, 2013.

**S.B. No. 1432**

AN ACT

relating to the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.062, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.062. PENALTY. (a) Except as provided by Subsection (b), a [A] person who violates any provision of this subchapter or the terms of a permit issued under this subchapter commits an offense that is a Class B Parks and Wildlife Code misdemeanor.

(b) A person commits an offense that is a Class C Parks and Wildlife Code misdemeanor if the person violates:

(1) a rule relating to a reporting requirement for a permit issued under this subchapter; or

(2) a term of a permit issued under this subchapter that relates to a reporting requirement.

SECTION 2. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1437**

AN ACT

relating to authorizing certain persons to file documents electronically for recording with a county clerk.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 195.003, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The following persons may file electronic documents or other documents electronically for recording with a county clerk that accepts electronic filing and recording under this chapter:

- (1) an attorney licensed in this state;
- (2) a bank, savings and loan association, savings bank, or credit union doing business under laws of the United States or this state;
- (3) a federally chartered lending institution, a federal government-sponsored entity, an instrumentality of the federal government, or a person approved as a mortgagee by the United States to make federally insured loans;
- (4) a person licensed to make regulated loans in this state;
- (5) a title insurance company or title insurance agent licensed to do business in this state; [or]
- (6) an agency of this state; or
- (7) a municipal clerk.

(a-1) In addition to persons listed under Subsection (a), a county may authorize a person to file electronic documents or other documents electronically for recording with a county clerk if the county enters into a memorandum of understanding with the person for that purpose. This subsection applies only to a county with a population of 500,000 or more.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1512**

AN ACT

relating to the confidentiality of certain crime scene photographs and video recordings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1085 to read as follows:

Sec. 552.1085. CONFIDENTIALITY OF SENSITIVE CRIME SCENE IMAGE. (a) In this section:

(1) "Deceased person's next of kin" means:

- (A) the surviving spouse of the deceased person;
- (B) if there is no surviving spouse of the deceased, an adult child of the deceased person; or
- (C) if there is no surviving spouse or adult child of the deceased, a parent of the deceased person.

(2) "Defendant" means a person being prosecuted for the death of the deceased person or a person convicted of an offense in relation to that death and appealing that conviction.

(3) "Expressive work" means:

- (A) a fictional or nonfictional entertainment, dramatic, literary, or musical work that is a play, book, article, musical composition, audiovisual work, radio or television program, work of art, or work of political,

educational, or newsworthy value;

(B) a work the primary function of which is the delivery of news, information, current events, or other matters of public interest or concern; or

(C) an advertisement or commercial announcement of a work described by Paragraph (A) or (B).

(4) “Local governmental entity” means a county, municipality, school district, charter school, junior college district, or other political subdivision of this state.

(5) “Public or private institution of higher education” means:

(A) an institution of higher education, as defined by Section 61.003, Education Code; or

(B) a private or independent institution of higher education, as defined by Section 61.003, Education Code.

(6) “Sensitive crime scene image” means a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person’s genitalia.

(7) “State agency” means a department, commission, board, office, or other agency that is a part of state government and that is created by the constitution or a statute of this state. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(b) For purposes of this section, an Internet website, the primary function of which is not the delivery of news, information, current events, or other matters of public interest or concern, is not an expressive work.

(c) A sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section. This section applies to any sensitive crime scene image regardless of the date that the image was taken or recorded.

(d) Notwithstanding Subsection (c) and subject to Subsection (e), the following persons may view or copy information that constitutes a sensitive crime scene image from a governmental body:

(1) the deceased person’s next of kin;

(2) a person authorized in writing by the deceased person’s next of kin;

(3) a defendant or the defendant’s attorney;

(4) a person who establishes to the governmental body an interest in a sensitive crime scene image that is based on, connected with, or in support of the creation, in any medium, of an expressive work;

(5) a person performing bona fide research sponsored by a public or private institution of higher education with approval of a supervisor of the research or a supervising faculty member;

(6) a state agency;

(7) an agency of the federal government; or

(8) a local governmental entity.

(e) This section does not prohibit a governmental body from asserting an exception to disclosure of a sensitive crime scene image to a person identified in Subsection (d) on the grounds that the image is excepted from the requirements of Section 552.021 under another provision of this chapter or another law.

(f) Not later than the 10th business day after the date a governmental body receives a request for a sensitive crime scene image from a person described by Subsection (d)(4) or (5), the governmental body shall notify the deceased person’s next of kin of the request in writing. The notice must be sent to the next of kin’s last known address.

(g) A governmental body that receives a request for information that constitutes a sensitive crime scene image shall allow a person described in Subsection (d) to view or copy the image not later than the 10th business day after the date the governmental body receives the request unless the governmental body files a request for an attorney general decision under Subchapter G regarding whether an exception to public disclosure applies to the information.

SECTION 2. (a) The change in law made by this Act applies only to the disclosure or copying of a sensitive crime scene image on or after September 1, 2013.

(b) The disclosure or copying of a sensitive crime scene image before September 1, 2013, is covered by the law in effect when the image was disclosed or copied, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

## AN ACT

relating to the Texas military; imposing criminal penalties; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

## ARTICLE 1. TEXAS MILITARY

SECTION 1.01. Subtitle C, Title 4, Government Code, is amended by adding Chapter 437 to read as follows:

CHAPTER 437. TEXAS MILITARYSUBCHAPTER A. GENERAL PROVISIONS

Sec. 437.001. DEFINITIONS. In this chapter:

- (1) "Active military service" means state active duty service, federally funded state active duty service, or federal active duty service. The term does not include service performed exclusively for training, such as basic combat training, advanced individual training, annual training, inactive duty training, and special training periodically made available to service members.
- (2) "Adjutant general" means the military commander of the Texas military forces.
- (3) "Department" means the Texas Military Department.
- (4) "Employee" has the meaning assigned by Section 21.002, Labor Code.
- (5) "Employer" has the meaning assigned by Section 21.002, Labor Code.
- (6) "Executive director" means the administrative head of the department who is responsible for managing the department.
- (7) "Military duty" means any activity of a service member performing a duty under a lawful military order, including training.
- (8) "Service member" means a member or former member of the state military forces or a component of the United States armed forces, including a reserve component.
- (9) "State active duty" means the performance of military or emergency service for this state at the call of the governor or the governor's designee.
- (10) "State military forces" means the Texas military forces.
- (11) "State training and other duty" means the service and training typically performed by service members in preparation for state active duty. The term includes training for man-made and natural disaster response and maintenance of equipment and property.
- (12) "Temporary state employee" means a service member who is not a full-time or part-time state employee and who is on state active duty.
- (13) "Texas Military Department" means the state agency charged with administrative activities in support of the Texas military forces.
- (14) "Texas military forces" means the Texas National Guard, the Texas State Guard, and any other military force organized under state law.
- (15) "Texas National Guard" means the Texas Army National Guard and the Texas Air National Guard.
- (16) "Texas State Guard" means the volunteer military forces that provide community service and emergency response activities for this state, as organized under the Second Amendment to the United States Constitution, and operating as a defense force authorized under 32 U.S.C. Section 109.
- (17) "Unit" means any organized group of the Texas military forces that has a designated commander.
- (18) "Unit fund" means:
  - (A) money held by a military unit to support the service members in the military unit while serving in the Texas military forces;
  - (B) the state post exchange services account; or
  - (C) the billeting account.

Sec. 437.0011. REFERENCE IN OTHER LAW. A reference in other law to the adjutant general's department means the Texas Military Department.

Sec. 437.002. COMMANDER-IN-CHIEF. (a) The governor is the commander-in-chief of the Texas military forces, except any portion of those forces in the service of the United States. The governor has full control and authority over all matters relating to the Texas military forces, including organization, equipment, and



discipline.

(b) If the governor is unable to perform the duties of commander-in-chief, the adjutant general shall command the Texas military forces, unless the state constitution or other state law requires the lieutenant governor or the president of the senate to perform the duties of governor.

Sec. 437.210. INTERFERENCE WITH TEXAS MILITARY FORCES. (a) A person commits an offense if the person physically and intentionally hinders, delays, or obstructs or intentionally attempts to hinder, delay, or obstruct a portion of the Texas military forces on active duty in performance of a military duty.

(b) An offense under Subsection (a) is a Class B misdemeanor.

(c) The commanding officer of a portion of the Texas military forces parading or performing a military duty in a street or highway may require a person in the street or highway to yield the right-of-way to the forces, except that the commanding officer may not interfere with the carrying of the United States mail, a legitimate function of the police, or the progress or operation of an emergency medical services provider or fire department.

(d) During an occasion of duty, a commanding officer may detain a person who:

(1) trespasses on a place of duty;

(2) interrupts or molests the orderly discharge of duty by those under orders; or

(3) disturbs or prevents the passage of troops going to or coming from duty.

(e) The commanding officer shall make a reasonable effort to forward detained individuals to civil authorities as soon as practicable.

SECTION 4.02. This Act takes effect September 1, 2013.

**S.B. No. 1541**

AN ACT

relating to discipline of public school students by school bus drivers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 37.001, Education Code, is amended to read as follows:

(a) The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must:

(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, ~~or~~ disciplinary alternative education program, or school bus;

(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;

(3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;

(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:

(A) self-defense;

(B) intent or lack of intent at the time the student engaged in the conduct;

(C) a student's disciplinary history; or

(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;

(5) provide guidelines for setting the length of a term of:

(A) a removal under Section 37.006; and

(B) an expulsion under Section 37.007;

(6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;

(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and

(8) provide, as appropriate for students at each grade level, methods, including options, for:

(A) managing students in the classroom and on school grounds;

(B) disciplining students; and

(C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

SECTION 2. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0022 to read as follows:

Sec. 37.0022. REMOVAL BY SCHOOL BUS DRIVER. (a) The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus. The principal shall respond by employing appropriate discipline management techniques consistent with the student code of conduct adopted under Section 37.001.

(b) Section 37.004 applies to any placement under Subsection (a) of a student with a disability who receives special education services.

SECTION 3. This Act applies beginning with the 2013-2014 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1567**

AN ACT

relating to coverage of certain persons under an automobile insurance policy.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 1952, Insurance Code, is amended by adding Sections 1952.0515 and 1952.0545 to read as follows:

Sec. 1952.0515. REQUIRED COVERAGE. An agent or insurer, including a county mutual insurance company, may not deliver or issue for delivery in this state a personal automobile insurance policy unless the policy provides at least the minimum coverage specified by Subchapter D, Chapter 601, Transportation Code.

Sec. 1952.0545. REQUIRED DISCLOSURE REGARDING NAMED DRIVER POLICIES; PERSONS IN INSURED'S HOUSEHOLD. (a) In this section, "named driver policy" means an automobile insurance policy that does not provide coverage for an individual residing in a named insured's household specifically unless the individual is named on the policy. The term includes an automobile insurance policy that has been endorsed to provide coverage only for drivers specifically named on the policy.

(b) Before accepting any premium or fee for a named driver policy, an agent or insurer, including a county mutual insurance company, must make the following disclosure, orally and in writing, to the applicant or insured:

WARNING: A NAMED DRIVER POLICY DOES NOT PROVIDE COVERAGE FOR INDIVIDUALS RESIDING IN THE INSURED'S HOUSEHOLD THAT ARE NOT NAMED ON THE POLICY.

(c) Before accepting any premium or fee for a named driver policy, an agent or insurer, including a county mutual insurance company, must receive a copy of the disclosure described by Subsection (b) that is signed by the applicant or insured.

(d) An agent or insurer, including a county mutual insurance company, that delivers or issues for delivery a named driver policy in this state shall specifically include in the policy and conspicuously identify on the front of any proof of insurance document issued to the insured the required disclosure under Subsection (b).

(e) The agent or insurer shall require the applicant or insured to confirm contemporaneously in writing the provision of oral disclosure pursuant to Subsection (b).

SECTION 2. Section 601.081, Transportation Code, is amended to read as follows:

Sec. 601.081. STANDARD PROOF OF MOTOR VEHICLE LIABILITY INSURANCE FORM. (a) In this section, "named driver policy" has the meaning assigned by Section 1952.0545, Insurance Code.

(b) A standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance must include:

- (1) the name of the insurer;
- (2) the insurance policy number;
- (3) the policy period;
- (4) the name and address of each insured;
- (5) the policy limits or a statement that the coverage of the policy complies with the minimum amounts of motor vehicle liability insurance required by this chapter; [and]
- (6) the make and model of each covered vehicle; and
- (7) for a named driver policy, the required disclosure under Section 1952.0545, Insurance Code.

SECTION 3. This Act applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2014. A policy delivered, issued for delivery, or renewed before January 1, 2014, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

**S.B. No. 1611**

#### AN ACT

relating to discovery in a criminal case.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Michael Morton Act.

SECTION 2. Article 39.14, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsections (c) through (n) to read as follows:

(a) Subject to the restrictions provided by Section 264.408, Family Code, and Article 39.15 of this code, as soon as practicable after receiving a timely request from the defendant the state shall [Upon motion of the defendant showing good cause therefor and upon notice to the other parties, except as provided by Article 39.15, the court in which an action is pending shall order the State before or during trial of a criminal action therein pending or on trial to] produce and permit the inspection and the electronic duplication, copying, and [or] photographing, by or on behalf of the defendant, of any offense reports, any designated documents, papers, written or recorded statements [statement] of the defendant or a witness, including witness statements of law enforcement officers but not including[, (except written statements of witnesses and except] the work product of counsel for the state in the case and their investigators and their notes or report[]], or any designated books, accounts, letters, photographs, or objects or other tangible things not otherwise privileged that[, which] constitute or contain evidence material to any matter involved in the action and that [which] are in the possession, custody, or control of the state or any person under contract with the state [State or any of its agencies]. The state may provide to the defendant electronic duplicates of any documents or other information described by this article. The [order shall specify the time, place and manner of making the inspection and taking the copies and photographs of any of the aforementioned documents or tangible evidence; provided, however, that the] rights granted to the defendant under this article do [herein granted shall] not extend to written communications between the state and an agent, representative, or employee of the state. This article does not authorize [State or any of its agents or representatives or employees. Nothing in this Act shall authorize] the removal of the documents, items, or information [such evidence] from the possession of the state [State], and any inspection shall be in the presence of a representative of the state [State].

(c) If only a portion of the applicable document, item, or information is subject to discovery under this article, the state is not required to produce or permit the inspection of the remaining portion that is not subject to discovery and may withhold or redact that portion. The state shall inform the defendant that a portion of the document, item, or information has been withheld or redacted. On request of the defendant, the court shall conduct a hearing to determine whether withholding or redaction is justified under this article or other law.

(d) In the case of a pro se defendant, if the court orders the state to produce and permit the inspection of a document, item, or information under this subsection, the state shall permit the pro se defendant to inspect and

review the document, item, or information but is not required to allow electronic duplication as described by Subsection (a).

(e) Except as provided by Subsection (f), the defendant, the attorney representing the defendant, or an investigator, expert, consulting legal counsel, or other agent of the attorney representing the defendant may not disclose to a third party any documents, evidence, materials, or witness statements received from the state under this article unless:

(1) a court orders the disclosure upon a showing of good cause after notice and hearing after considering the security and privacy interests of any victim or witness; or

(2) the documents, evidence, materials, or witness statements have already been publicly disclosed.

(f) The attorney representing the defendant, or an investigator, expert, consulting legal counsel, or agent for the attorney representing the defendant, may allow a defendant, witness, or prospective witness to view the information provided under this article, but may not allow that person to have copies of the information provided, other than a copy of the witness's own statement. Before allowing that person to view a document or the witness statement of another under this subsection, the person possessing the information shall redact the address, telephone number, driver's license number, social security number, date of birth, and any bank account or other identifying numbers contained in the document or witness statement. For purposes of this section, the defendant may not be the agent for the attorney representing the defendant.

(g) Nothing in this section shall be interpreted to limit an attorney's ability to communicate regarding his or her case within the Texas Disciplinary Rules of Professional Conduct, except for the communication of information identifying any victim or witness, including name, except as provided in Subsections (e) and (f), address, telephone number, driver's license number, social security number, date of birth, and bank account information or any information that by reference would make it possible to identify a victim or a witness. Nothing in this subsection shall prohibit the disclosure of identifying information to an administrative, law enforcement, regulatory, or licensing agency for the purposes of making a good faith complaint.

(h) Notwithstanding any other provision of this article, the state shall disclose to the defendant any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the state that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged.

(i) The state shall electronically record or otherwise document any document, item, or other information provided to the defendant under this article.

(j) Before accepting a plea of guilty or nolo contendere, or before trial, each party shall acknowledge in writing or on the record in open court the disclosure, receipt, and list of all documents, items, and information provided to the defendant under this article.

(k) If at any time before, during, or after trial the state discovers any additional document, item, or information required to be disclosed under Subsection (h), the state shall promptly disclose the existence of the document, item, or information to the defendant or the court.

(l) A court may order the defendant to pay costs related to discovery under this article, provided that costs may not exceed the charges prescribed by Subchapter F, Chapter 552, Government Code.

(m) To the extent of any conflict, this article prevails over Chapter 552, Government Code.

(n) This article does not prohibit the parties from agreeing to discovery and documentation requirements equal to or greater than those required under this article.

SECTION 3. The change in law made by this Act applies to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

SECTION 4. This Act takes effect January 1, 2014.

**S.B. No. 1620**

AN ACT

relating to certified communication access realtime translation providers.



BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 57.001, Government Code, is amended by adding Subdivisions (8) and (9) to read as follows:

(8) “Communication access realtime translation” or “CART” means the immediate verbatim translation of the spoken word into English text by a certified CART provider.

(9) “Certified CART provider” means an individual who holds a certification to provide communication access realtime translation services at an advanced or master level issued by the Texas Court Reporters Association or another certification association selected by the department.

SECTION 2. The heading to Section 57.002, Government Code, is amended to read as follows:

Sec. 57.002. APPOINTMENT OF INTERPRETER OR CART PROVIDER; CART PROVIDER LIST.

SECTION 3. Section 57.002, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (f) to read as follows:

(a) A court shall appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English if a motion for the appointment of an interpreter or provider is filed by a party or requested by a witness in a civil or criminal proceeding in the court.

(b) A court may, on its own motion, appoint a certified court interpreter or a certified CART provider for an individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English.

(f) The department shall maintain a list of certified CART providers and, on request, may send the list to a person or court.

SECTION 4. Subdivision (6), Section 57.001, and Subsection (d), Section 57.021, Government Code, are repealed.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1630**

AN ACT

relating to the protection of defendants against vexatious litigants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (5), Section 11.001, Civil Practice and Remedies Code, is amended to read as follows:

(5) “Plaintiff” means an individual who commences or maintains a litigation pro se.

SECTION 2. Subchapter A, Chapter 11, Civil Practice and Remedies Code, is amended by adding Section 11.002 to read as follows:

Sec. 11.002. APPLICABILITY. (a) This chapter does not apply to an attorney licensed to practice law in this state unless the attorney proceeds pro se.

(b) This chapter does not apply to a municipal court.

SECTION 3. Section 11.054, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 11.054. CRITERIA FOR FINDING PLAINTIFF A VEXATIOUS LITIGANT. A court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:

(1) the plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained [in propria persona] at least five litigations as a pro se litigant other than in a small claims court that have been:

(A) finally determined adversely to the plaintiff;

(B) permitted to remain pending at least two years without having been brought to trial or hearing; or

(C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure;

(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or

attempts to relitigate, pro se [~~in propria persona~~], either:

(A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or

(B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined; or

(3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transition, or occurrence.

SECTION 4. Section 11.101, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A court may, on its own motion or the motion of any party, enter an order prohibiting a person from filing, pro se [~~in propria persona~~], a new litigation in a court to which the order applies under this section without permission of the appropriate local administrative judge described by Section 11.102(a) to file the litigation [~~in this state~~]

if the court finds, after notice and hearing as provided by Subchapter B, that[~~:~~]:

~~[(1)] the person is a vexatious litigant[; and~~  
~~[(2)] the local administrative judge of the court in which the person intends to file the litigation has not granted permission to the person under Section 11.102 to file the litigation].~~

(d) A prefiling order entered under Subsection (a) by a justice or constitutional county court applies only to the court that entered the order.

(e) A prefiling order entered under Subsection (a) by a district or statutory county court applies to each court in this state.

SECTION 5. Section 11.102, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 11.102. PERMISSION BY LOCAL ADMINISTRATIVE JUDGE. (a) A vexatious litigant subject to a prefiling order under Section 11.101 is prohibited from filing, pro se, new litigation in a court to which the order applies without seeking the permission of:

(1) the local administrative judge of the type of court in which the vexatious litigant intends to file, except as provided by Subdivision (2); or

(2) the local administrative district judge of the county in which the vexatious litigant intends to file if the litigant intends to file in a justice or constitutional county court.

(b) A vexatious litigant subject to a prefiling order under Section 11.101 who files a request seeking permission to file a litigation shall provide a copy of the request to all defendants named in the proposed litigation.

(c) The appropriate local administrative judge described by Subsection (a) may make a determination on the request with or without a hearing. If the judge determines that a hearing is necessary, the judge may require that the vexatious litigant filing a request under Subsection (b) provide notice of the hearing to all defendants named in the proposed litigation.

(d) The appropriate [A] local administrative judge described by Subsection (a) may grant permission to a [person found to be a] vexatious litigant subject to a prefiling order under Section 11.101 to file a litigation only if it appears to the judge that the litigation:

(1) has merit; and

(2) has not been filed for the purposes of harassment or delay.

(e) [(b)] The appropriate local administrative judge described by Subsection (a) may condition permission on the furnishing of security for the benefit of the defendant as provided in Subchapter B.

[(f)] [(e)] A decision of the appropriate [a] local administrative judge described by Subsection (a) denying a litigant permission to file a litigation under Subsection (d) [(a)], or conditioning permission to file a litigation on the furnishing of security under Subsection (e) [(b)], is not grounds for appeal, except that the litigant may apply for a writ of mandamus with the court of appeals not later than the 30th day after the date of the decision. The denial of a writ of mandamus by the court of appeals is not grounds for appeal to the supreme court or court of criminal appeals.

SECTION 6. The heading to Section 11.103, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 11.103. DUTIES OF CLERK[; ~~MISTAKEN FILING~~].

SECTION 7. Subsections (a), (c), and (d), Section 11.103, Civil Practice and Remedies Code, are amended to

read as follows:

(a) Except as provided by Subsection (d), a clerk of a court may not file a litigation, original proceeding, appeal, or other claim presented, pro se, by a vexatious litigant subject to a prefiling order under Section 11.101 unless the litigant obtains an order from the appropriate local administrative judge described by Section 11.102(a) permitting the filing.

(c) If the appropriate local administrative judge described by Section 11.102(a) issues an order permitting the filing of the litigation [~~under Subsection (b)~~], the litigation remains stayed and the defendant need not plead until the 10th day after the date the defendant is served with a copy of the order.

(d) A clerk of a court of appeals may file an appeal from a prefiling order entered under Section 11.101 designating a person a vexatious litigant or a timely filed writ of mandamus under Section 11.102 [~~11.102(e)~~]. SECTION 8. Subchapter C, Chapter 11, Civil Practice and Remedies Code, is amended by adding Section 11.1035 to read as follows:

Sec. 11.1035. MISTAKEN FILING. (a) If the clerk mistakenly files litigation presented, pro se, by a vexatious litigant subject to a prefiling order under Section 11.101 without an order from the appropriate local administrative judge described by Section 11.102(a), any party may file with the clerk and serve on the plaintiff and the other parties to the litigation a notice stating that the plaintiff is a vexatious litigant required to obtain permission under Section 11.102 to file litigation.

(b) Not later than the next business day after the date the clerk receives notice that a vexatious litigant subject to a prefiling order under Section 11.101 has filed, pro se, litigation without obtaining an order from the appropriate local administrative judge described by Section 11.102(a), the clerk shall notify the court that the litigation was mistakenly filed. On receiving notice from the clerk, the court shall immediately stay the litigation and shall dismiss the litigation unless the plaintiff, not later than the 10th day after the date the notice is filed, obtains an order from the appropriate local administrative judge described by Section 11.102(a) permitting the filing of the litigation.

(c) An order dismissing litigation that was mistakenly filed by a clerk may not be appealed.

SECTION 9. Section 11.104, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

(c) The Office of Court Administration of the Texas Judicial System may not remove the name of a vexatious litigant subject to a prefiling order under Section 11.101 from the agency's Internet website unless the office receives a written order from the court that entered the prefiling order or from an appellate court. An order of removal affects only a prefiling order entered under Section 11.101 by the same court. A court of appeals decision reversing a prefiling order entered under Section 11.101 affects only the validity of an order entered by the reversed court.

SECTION 10. Subdivision (3), Section 11.001, and Subsection (b), Section 11.103, Civil Practice and Remedies Code, are repealed.

SECTION 11. The change in law made by this Act applies only to an action commencing on or after the effective date of this Act. An action commencing before the effective date of this Act is governed by the law as it existed on the date when the action commenced, and that law is continued in effect for that purpose.

SECTION 12. This Act takes effect September 1, 2013.

**S.B. No. 1705**

AN ACT

relating to the administration of certain examinations required to obtain a driver's license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.165, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) The department may authorize an entity described by Subsection (a), including a driver education school described by Section 521.1655, to administer the examination required by Section 521.161(b)(2).

SECTION 2. This Act takes effect September 1, 2013.

## AN ACT

relating to an agreement between the Department of Public Safety and a county for the provision of renewal and duplicate driver's license and other identification certificate services; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.008 to read as follows:

Sec. 521.008. PILOT PROGRAM REGARDING THE PROVISION OF RENEWAL AND DUPLICATE DRIVER'S LICENSE AND OTHER IDENTIFICATION CERTIFICATE SERVICES. (a) The department may establish a pilot program for the provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services in:

- (1) not more than three counties with a population of 50,000 or less;
- (2) not more than three counties with a population of more than 50,000 but less than 1,000,001;
- (3) not more than two counties with a population of more than one million; and
- (4) notwithstanding Subdivisions (1)-(3), any county in which the department operates a driver's license office as a scheduled or mobile office.
- (a-1) Under the pilot program, the department may enter into an agreement with the commissioners court of a county to permit county employees to provide services at a county office relating to the issuance of renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates, including:
  - (1) taking photographs;
  - (2) administering vision tests;
  - (3) updating a driver's license, election identification certificate, or personal identification certificate to change a name, address, or photograph;
  - (4) distributing and collecting information relating to donations under Section 521.401;
  - (5) collecting fees; and
  - (6) performing other basic ministerial functions and tasks necessary to issue renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates.
- (b) An agreement under Subsection (a-1) may not include training to administer an examination for driver's license applicants under Subchapter H.
- (c) A participating county must remit to the department for deposit as required by this chapter fees collected for the issuance of a renewal or duplicate driver's license or personal identification certificate.
- (d) The commissioners court of a county may provide services through any consenting county office. A county office may decline or consent to provide services under this section by providing written notice to the commissioners court.
- (e) The department shall provide all equipment and supplies necessary to perform the services described by Subsection (a-1), including network connectivity.
- (f) The department shall adopt rules to administer this section.

SECTION 2. Subchapter R, Chapter 521, Transportation Code, is amended by adding Section 521.428 to read as follows:

Sec. 521.428. COUNTY FEE. A county that provides services under an agreement described by Section 521.008 may collect an additional fee of up to \$5 for each transaction provided that relates to driver's license and personal identification certificate services only.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

## AN ACT

relating to the manufacture, sale, distribution, purchase, or possession of a license plate flipper; creating an



offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter L, Chapter 504, Transportation Code, is amended by adding Section 504.946 to read as follows:

Sec. 504.946. LICENSE PLATE FLIPPER; OFFENSE. (a) In this section, "license plate flipper" means a manual, electronic, or mechanical device designed or adapted to be installed on a motor vehicle and:

(1) switch between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the operator's vehicle; or

(2) hide a license plate from view by flipping the license plate so that the license plate number is not visible.

(b) A person commits an offense if the person with criminal negligence purchases or possesses a license plate flipper. An offense under this subsection is a Class B misdemeanor.

(c) A person commits an offense if the person with criminal negligence manufactures, sells, offers to sell, or otherwise distributes a license plate flipper. An offense under this subsection is a Class A misdemeanor.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1792**

AN ACT

relating to remedies for nonpayment of tolls for the use of toll projects; authorizing a fee; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 372, Transportation Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. NONPAYMENT OF TOLLS; REMEDIES

Sec. 372.101. APPLICABILITY. This subchapter does not apply to a county acting under Chapter 284.

Sec. 372.102. PUBLICATION OF NONPAYING VEHICLE INFORMATION. (a) Notwithstanding the confidentiality of electronic toll collection customer account information, including confidentiality under Sections 228.057(e), 366.179(d), and 370.178(d), a toll project entity may publish a list of the names of the registered owners or lessees of nonpaying vehicles who at the time of publication are liable for the payment of past due and unpaid tolls or administrative fees. The list may include only the persons' names and, for each person listed:

(1) the city and state of the person's residence;

(2) the total number of events of nonpayment; and

(3) the total amount due for the tolls and administrative fees.

(b) A toll project entity may not include on a list published under Subsection (a) the name of a registered owner who remits a tax imposed under Section 152.026, Tax Code.

Sec. 372.103. TOLL VIOLATION PAYMENT PLAN. A toll project entity may enter into an agreement with the registered owner of a vehicle, for whom a single payment is not feasible, that allows the person to pay the total amount of outstanding tolls and administrative fees over a specified period. The agreement must be in writing and specify the amount due for tolls and administrative fees, the duration of the agreement, and the amount of each payment.

Sec. 372.104. DEFAULT; SUIT TO RECOVER OUTSTANDING BALANCE DUE. (a) If the registered owner of the vehicle fails to comply with the terms of an agreement described by Section 372.103, a toll project entity may send by first class mail to the person at the address shown on the agreement a written notice demanding payment of the outstanding balance due.

(b) If the registered owner fails to pay the outstanding balance due on or before the 30th day after the date on which the notice is mailed, the toll project entity may, in addition to other remedies available to the entity, refer the matter to an attorney authorized to represent the toll project entity for suit or collection.

(c) The authorized attorney may file suit in a district court in the county in which the toll project entity's administrative offices are primarily located to recover the outstanding balance due. The authorized attorney may recover reasonable attorney's fees, investigative costs, and court costs incurred on behalf of the toll project

entity in the proceeding.

Sec. 372.105. NONPAYMENT BY VEHICLES NOT REGISTERED IN THIS STATE. (a) A toll project entity may, in lieu of mailing a written notice of nonpayment, serve with a written notice of nonpayment in person an owner of a vehicle that is not registered in this state, including the owner of a vehicle registered in another state of the United States, the United Mexican States, a state of the United Mexican States, or another country or territory. A notice of nonpayment may also be served by an employee of a governmental entity operating an international bridge at the time a vehicle with a record of nonpayment seeks to enter or leave this state.

(b) Each written notice of nonpayment issued under Subsection (a) shall include a warning that the failure to pay the amounts in the notice may result in the toll project entity's exercise of the habitual violator remedies under this subchapter.

(c) An owner who is served a written notice of nonpayment under Subsection (a) and fails to pay the proper toll and administrative fee within the time specified in the notice commits an offense. Each failure to pay a toll or administrative fee under this subsection is a separate offense.

(d) An offense under Subsection (c) is a misdemeanor punishable by a fine not to exceed \$250. The court in which an owner is convicted of an offense under this section may also collect the proper toll and administrative fee and forward the toll and fee to the toll project entity.

(e) It is a defense to prosecution under Subsection (c) that the owner of the vehicle is a lessor of the vehicle and not later than the 30th day after the date the notice of nonpayment is served under Subsection (a) provides to the toll project entity proof that meets applicable toll project entity law establishing that the vehicle was leased to another person at the time of the nonpayment.

(f) It is a defense to prosecution under Subsection (c) that the vehicle in question was stolen before the failure to pay the proper toll occurred and was not recovered by the time of the failure to pay, but only if the theft was reported to the appropriate law enforcement authority before the earlier of:

(1) the occurrence of the failure to pay; or

(2) eight hours after the discovery of the theft.

Sec. 372.106. HABITUAL VIOLATOR. (a) For purposes of this subchapter, a habitual violator is a registered owner of a vehicle who a toll project entity determines:

(1) was issued at least two written notices of nonpayment that contained:

(A) in the aggregate, 100 or more events of nonpayment within a period of one year, not including events of nonpayment for which:

(i) the registered owner has provided to the toll project entity information establishing that the vehicle was subject to a lease at the time of the nonpayment, as provided by applicable toll project entity law; or

(ii) a defense of theft at the time of the nonpayment has been established as provided by applicable toll project entity law; and

(B) a warning that the failure to pay the amounts specified in the notices may result in the toll project entity's exercise of habitual violator remedies; and

(2) has not paid in full the total amount due for tolls and administrative fees under those notices.

(b) If the toll project entity makes a determination under Subsection (a), the toll project entity shall give written notice to the person at:

(1) the person's address as shown in the vehicle registration records of the Texas Department of Motor Vehicles or the analogous agency of another state or country; or

(2) an alternate address provided by the person or derived through other reliable means.

(c) The notice must:

(1) be sent by first class mail and is presumed received on the fifth day after the date the notice is mailed; and  
(2) state:

(A) the total number of events of nonpayment and the total amount due for tolls and administrative fees;

(B) the date of the determination under Subsection (a);

(C) the right of the person to request a hearing on the determination; and

(D) the procedure for requesting a hearing, including the period during which the request must be made.

(d) If not later than the 30th day after the date on which the person is presumed to have received the notice

the toll project entity receives a written request for a hearing, a hearing shall be held as provided by Section 372.107.

(e) If the person does not request a hearing within the period provided by Subsection (d), the toll project entity's determination becomes final and not subject to appeal on the expiration of that period.

Sec. 372.107. HEARING. (a) A justice court has jurisdiction to conduct a hearing in accordance with this section.

(b) A hearing requested under Section 372.106 shall be conducted in a justice court in a county in which the toll collection facilities where at least 25 percent of the events of nonpayment occurred are located.

(c) A party requesting a hearing shall pay a filing fee of \$100 to the clerk of the justice court. If that party prevails under the justice's finding under Subsection (f), the other party shall reimburse the prevailing party for the amount of the filing fee within 10 days after issuance of the finding.

(d) The issues that must be proven at the hearing by a preponderance of the evidence are:

(1) whether the registered owner was issued at least two written notices of nonpayment for an aggregate of 100 or more events of nonpayment within a period of one year, not including events of nonpayment for which:

(A) the registered owner has provided to the toll project entity information establishing that the vehicle was subject to a lease at the time of the nonpayment, as provided by applicable toll project entity law; or

(B) a defense of theft at the time of the nonpayment has been established as provided by applicable toll project entity law; and

(2) whether the total amount due for tolls and administrative fees specified in those notices was not paid in full by the dates specified in the notices and remains not fully paid.

(e) Proof under Subsection (d) may be by oral testimony, documentary evidence, video surveillance, or any other reasonable evidence.

(f) If the justice of the peace finds in the affirmative on each issue in Subsection (d), the toll project entity's determination that the registered owner is a habitual violator is sustained and becomes final. If the justice does not find in the affirmative on each issue in Subsection (d), the toll project entity shall rescind its determination that the registered owner is a habitual violator. Rescission of the determination does not limit the toll project entity's authority to pursue collection of the outstanding tolls and administrative fees.

(g) A registered owner who requests a hearing and fails to appear without just cause waives the right to a hearing, and the toll project entity's determination is final and not subject to appeal.

(h) A justice of the peace court may adopt administrative hearings processes to expedite hearings conducted under this section.

Sec. 372.108. APPEAL. (a) A registered owner may appeal the justice of the peace's decision by filing a petition not later than the 30th day after the date on which the decision is rendered:

(1) in the county court at law of the county in which the justice of the peace precinct is located; or

(2) if there is no county court at law in that county, in the county court.

(b) The registered owner must send a file-stamped copy of the petition, certified by the clerk of the court, to the toll project entity by certified mail not later than the 30th day after the date the appeal petition is filed.

(c) The court shall notify the toll project entity of the hearing not later than the 31st day before the date the court sets for the hearing.

(d) A trial on appeal is a trial de novo on the issues under Section 372.107(d).

(e) Neither the filing of the appeal petition nor service of notice of the appeal stays the toll project entity's exercise of the habitual violator remedies unless the person who files the appeal posts a bond with the toll project entity issued by a sufficient surety in the total amount of unpaid tolls and fees owed by the registered owner to the toll project entity.

Sec. 372.109. PERIOD DETERMINATION IS EFFECTIVE. (a) A final determination that a person is a habitual violator remains in effect until:

(1) the total amount due for the person's tolls and administrative fees is paid; or

(2) the toll project entity, in its sole discretion, determines that the amount has been otherwise addressed.

(b) When a determination terminates, the toll project entity shall, not later than the seventh day after the date of the termination, send notice of the termination:

(1) to the person who is the subject of the determination at an address under Section 372.106(b); and  
(2) if the toll project entity provided notice to a county assessor-collector or the Texas Department of Motor Vehicles under Section 502.011, to that county assessor-collector or that department, as appropriate.

Sec. 372.110. ORDER PROHIBITING OPERATION OF MOTOR VEHICLE ON TOLL PROJECT;

OFFENSE. (a) A toll project entity, by order of its governing body, may prohibit the operation of a motor vehicle on a toll project of the toll project entity if:

- (1) the registered owner of the vehicle has been finally determined to be a habitual violator; and
- (2) the toll project entity has provided notice of the prohibition order to the registered owner.

(b) The notice required by Subsection (a)(2) must be sent by first class mail to the registered owner at an address under Section 372.106(b) at least 10 days before the date the prohibition order takes effect and is presumed received on the fifth day after the date the notice is mailed.

(c) Notwithstanding any provisions of law governing the confidentiality of electronic toll collection customer account information, the order described in Subsection (a) may include the registered owner's name, the city and state of residence, and the license plate number of the nonpaying vehicle.

(d) A person commits an offense if the person operates a motor vehicle on a toll project in violation of an order issued under Subsection (a). An offense under this subsection is a Class C misdemeanor.

Sec. 372.111. DENIAL OF MOTOR VEHICLE REGISTRATION. After a final determination that the registered owner of a motor vehicle is a habitual violator, the toll project entity may report the determination to a county assessor-collector or the Texas Department of Motor Vehicles in order to cause the denial of vehicle registration as provided by Section 502.011.

Sec. 372.112. IMPOUNDMENT OF MOTOR VEHICLE. (a) A peace officer may detain a motor vehicle observed by the officer to be operated in violation of an order under Section 372.110(a) and may direct the impoundment of the vehicle if:

(1) the vehicle was previously operated on a toll project in violation of an order issued under Section 372.110(a); and

(2) personal notice to the registered owner of the vehicle of the toll project entity's intent to have the vehicle impounded on a second or subsequent violation of Section 372.110(a) was provided:

(A) at the time of the hearing under Section 372.107;

(B) at the time of the previous traffic stop involving a violation of Section 372.110(a); or

(C) by personal service.

(b) A vehicle impounded under this section may be released after:

(1) payment by or on behalf of the registered owner of all towing, storage, and impoundment charges; and

(2) a determination by the toll project entity that all unpaid tolls and fees owed to the entity by the registered owner are paid or are otherwise addressed to the satisfaction of the toll project entity in the toll project entity's sole discretion.

(c) For the purposes of Section 2303.155(b)(4), Occupations Code, fees required to be submitted to a governmental entity include an amount for unpaid tolls and fees owed by the registered owner of an impounded vehicle as set out in timely written notice given by the toll project entity to the operator of the vehicle storage facility where the vehicle is impounded. The toll project entity may set out in that notice an amount less than all unpaid tolls and fees owed by the registered owner without releasing the registered owner from liability under any other law for the full amount of unpaid tolls and fees.

Sec. 372.113. HABITUAL VIOLATOR REMEDIES AGAINST LESSEE OF VEHICLE. (a) A toll project entity may seek habitual violator remedies against a lessee of a vehicle and not the registered owner if the toll project entity sends to the lessee, in accordance with applicable toll project entity law, at least two notices of nonpayment containing:

(1) the warning under Section 372.106(a)(1)(B); and

(2) in the aggregate, 100 or more events of nonpayment in the period of one year, not including events of nonpayment for which a defense of theft at the time of the nonpayment has been established as provided by applicable toll project entity law, that:



(A) were not paid in full by the dates specified in the notices and that remain not fully paid; and  
(B) were incurred during the period of the lease as shown in a lease contract document provided by the registered owner to the toll project entity as provided by applicable toll project entity law.

(b) A toll project entity seeking habitual violator remedies against a lessee under Subsection (a) shall use the procedures of this subchapter as if the lessee were the registered owner.

Sec. 372.114. HABITUAL VIOLATOR REMEDIES AGAINST OWNERS OF VEHICLES NOT REGISTERED IN THIS STATE. (a) A toll project entity may seek habitual violator remedies against a person described by Section 372.105(a) if:

(1) the person is served with two or more written notices of nonpayment under Section 372.105(a) and the amount owing under the notices was not paid in full by the dates specified in the notices and remains not fully paid; and

(2) notice of the toll project entity's intent to seek habitual violator remedies was served on the person in the manner described by Section 372.105(a) for a notice of nonpayment.

(b) A person described by Section 372.105(a) may request a hearing under Section 372.107 not later than the 30th day after the date of the notice under Subsection (a)(2).

(c) In making a finding under Section 372.107 against a person described by Section 372.105(a), a justice of the peace must find that the requirements of Subsection (a) have been met in lieu of the findings otherwise required under Section 372.107(d).

Sec. 372.115. USE OF REMEDIES OPTIONAL. A toll project entity's use of remedies under this subchapter is cumulative of other remedies and is optional, and nothing in this subchapter prohibits a toll project entity from exercising any other enforcement remedies available under this chapter or other law.

Sec. 372.116. TEMPORARY GRACE PERIOD FOR REGIONAL TOLLWAY AUTHORITIES. (a) Not later than the 30th day after the effective date of this subchapter, a regional tollway authority shall send to each person the authority determines to be a habitual violator on the effective date of this subchapter the notice required by Section 372.106(b).

(b) The notice under Subsection (a) must also include:

(1) the total amount the person would owe for the events of nonpayment in the notice, not including any otherwise applicable administrative fees or penalties; and

(2) information regarding the terms of the grace period under this section.

(c) Not later than the 90th day after the effective date of this subchapter, a person who receives notice under this section may:

(1) request a hearing under Section 372.107; or

(2) become an electronic toll collection customer of the regional tollway authority and:

(A) pay the amount specified under Subsection (b) plus an administrative fee in an amount not to exceed 10 percent of the amount specified under Subsection (b); or

(B) enter into a contract under Section 372.103 to pay the amount specified under Subsection (b) plus an administrative fee in an amount not to exceed 10 percent of the amount specified under Subsection (b).

(d) A regional tollway authority may not pursue habitual toll violator remedies under this subchapter against a person who becomes an electronic toll collection customer and:

(1) pays the amount specified under Subsection (b) plus an administrative fee in an amount not to exceed 10 percent of the amount specified under Subsection (b); or

(2) enters into a contract under Section 372.103 to pay the amount specified under Subsection (b) plus an administrative fee in an amount not to exceed 10 percent of the amount specified under Subsection (b) and makes the required payments.

(e) This section expires August 31, 2015.

SECTION 2. Subchapter A, Chapter 502, Transportation Code, is amended by adding Section 502.011 to read as follows:

Sec. 502.011. REFUSAL TO REGISTER VEHICLE FOR NONPAYMENT OF TOLL OR ADMINISTRATIVE FEE. (a) A county assessor-collector or the department may refuse to register or renew the registration of a

motor vehicle if it has received written notice from a toll project entity that the owner of the vehicle has been finally determined to be a habitual violator under Subchapter C, Chapter 372.

(b) A toll project entity shall notify a county assessor-collector or the department, as applicable, that:

(1) a person for whom the assessor-collector or the department has refused to register a vehicle is no longer determined to be a habitual violator; or

(2) an appeal has been perfected and the appellant has posted any bond required to stay the toll project entity's exercise of habitual violator remedies pending the appeal.

(c) This section does not apply to the registration of a motor vehicle under Section 501.0234.

SECTION 3. Subchapter B, Chapter 103, Government Code, is amended by adding Section 103.0321 to read as follows:

Sec. 103.0321. MISCELLANEOUS FEES AND COSTS: TRANSPORTATION CODE. A filing fee of \$100 shall be collected under Section 372.107(c), Transportation Code, for determining whether a person is a habitual violator for purposes of Subchapter C, Chapter 372, Transportation Code.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1896**

AN ACT

relating to the confidentiality of information in ad valorem tax appraisal records that identifies the home address of certain judges.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (2), Subsection (a-1), Section 25.025, Tax Code, is amended to read as follows:

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a statutory probate court, a constitutional county court, or a county court at law of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or Chapter 54A, Government Code, or a retired associate judge or former associate judge appointed under either law [that chapter]; [or]

(C) a justice of the peace;

(D) a master, magistrate, referee, hearing officer, or associate judge appointed under Chapter 54, Government Code; or

(E) a municipal court judge.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.B. No. 1908**

AN ACT

relating to a study conducted by the Office of Court Administration of the Texas Judicial System and the repeal of certain court fees and costs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.031 to read as follows:

Sec. 72.031. STUDY TO REPEAL CERTAIN COURT FEES AND COSTS. (a) Not later than September 1, 2014, the office shall:

(1) conduct a study on court fees and costs that identifies each statutory law imposing a court fee or cost in a court in this state;

(2) determine whether each identified fee or cost is necessary to accomplish the stated statutory purpose;

(3) compile a list of the identified fees and costs and of each fee or cost the office determines is necessary;

(4) publish the list on the office's Internet website and in the Texas Register; and

(5) provide a copy of the list and determinations to the governor, lieutenant governor, and speaker of the house

of representatives.

(b) In conducting the study required under Subsection (a), the office shall consult with local government representatives as the office determines appropriate.

(c) The Texas Legislative Council shall prepare for consideration by the 84th Legislature, Regular Session, a revision of the statutes of this state as necessary to reflect the court fees and costs identified by the office as not necessary in the study conducted under Subsection (a).

(d) This section expires January 1, 2016.

SECTION 2. This Act takes effect September 1, 2013.

**S.B. No. 1917**

#### AN ACT

relating to the definition of an authorized emergency vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (1), Section 541.201, Transportation Code, is amended to read as follows:

(1) "Authorized emergency vehicle" means:

(A) a fire department or police vehicle;

(B) a public or private ambulance operated by a person who has been issued a license by the [Texas] Department of State Health Services;

(C) a municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;

(D) a private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;

(E) an industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the predecessor of the Texas Industrial Emergency Services Board of the State Firemen's and Fire Marshals' Association of Texas;

(F) a vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines, or organs; ~~[or]~~

(G) a vehicle used for law enforcement purposes that is owned or leased by a federal governmental entity; or

(H) a private vehicle of an employee or volunteer of a county emergency management division in a county with a population of more than 46,500 and less than 48,000 that is designated as an authorized emergency vehicle by the commissioners court of that county.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

**S.C.R. No. 21**

#### SENATE CONCURRENT RESOLUTION

WHEREAS, Municipal courts provide citizens of the Lone Star State with a local forum where questions of law and fact can be resolved in regard to alleged violations of state law and municipal ordinances; and

WHEREAS, Because citizens come into contact with municipal courts more than any other courts, the public impression of the Texas judicial system is largely dependent on their experience there; and

WHEREAS, Judges of the municipal courts function also as magistrates for the State of Texas, and in that role they perform such duties as issuing search and arrest warrants, giving magistrate warnings, and setting bail for offenses ranging from petty theft to murder; and

WHEREAS, Pledging to be impartial and to conform to the standards set by the Canons of Judicial Conduct, the estimated 6,000 employees of municipal courts work diligently to ensure the fair administration of justice while upholding the rigorous standards of professionalism; and

WHEREAS, Municipal judges, clerks, court administrators, bailiffs, and warrant officers continually strive to improve the administration of justice through participation in judicial education programs, seminars, workshops, and the annual meetings of their state and local professional organizations; and

WHEREAS, Municipal courts in Texas play a vital role in preserving public safety, protecting the quality of life

for area residents, and deterring future criminal behavior, and it is indeed fitting to recognize municipal judges and support personnel for their exemplary dedication to the communities they serve; now, therefore, be it RESOLVED, That the 83rd Texas Legislature hereby recognize November 4-8, 2013, and November 3-7, 2014, as Municipal Courts Week and take special note of the important work performed by all those associated with the state's municipal courts.

**S.J.R. No. 42**

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to expanding the types of sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subdivision (8), Section 1-a, Article V, Texas Constitution, is amended to read as follows:

(8) After such investigation as it deems necessary, the Commission may in its discretion issue a private or public admonition, warning, reprimand, or requirement that the person obtain additional training or education, or if the Commission determines that the situation merits such action, it may institute formal proceedings and order a formal hearing to be held before it concerning [~~the public censure, removal, or retirement of~~] a person holding an office or position specified in Subsection (6) of this Section, or it may in its discretion request the Supreme Court to appoint an active or retired District Judge or Justice of a Court of Appeals, or retired Judge or Justice of the Court of Criminal Appeals or the Supreme Court, as a Master to hear and take evidence in the [~~any such~~] matter, and to report thereon to the Commission. The Master shall have all the power of a District Judge in the enforcement of orders pertaining to witnesses, evidence, and procedure. If, after formal hearing, or after considering the record and report of a Master, the Commission finds good cause therefor, it shall issue an order of public admonition, warning, reprimand, censure, or requirement that the person holding an office or position specified in Subsection (6) of this Section obtain additional training or education, or it shall recommend to a review tribunal the removal or retirement, as the case may be, of the person [~~in question holding an office or position specified in Subsection (6) of this Section~~] and shall thereupon file with the tribunal the entire record before the Commission.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, relating to the sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct.

(b) The amendment to Section 1-a(8), Article V, of this constitution takes effect January 1, 2014, and applies only to a formal proceeding instituted by the State Commission on Judicial Conduct on or after that date.

(c) This temporary provision expires January 1, 2016.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment relating to expanding the types of sanctions that may be assessed against a judge or justice following a formal proceeding instituted by the State Commission on Judicial Conduct."





**Bill No. Subject**

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H.B. 8	Prosecution and Punishment of Human Trafficking Offenses and Certain Protections for Victims of Human Trafficking
H.B. 38	Increasing Penalty for Installing Counterfeit Airbags
H.B. 62	Prohibited Interest in Private Correctional or Rehabilitation Facility; Violation of Code of Judicial Conduct
H.B. 115	Requirements for Identification Numbers on Vessels
H.B. 120	Specialty License Plates with Exemptions from Parking Meter Fees
H.B. 124	Addition of Salvia Divinorum to the Texas Controlled Substances Act
H.B. 195	Online Posting of Contributions and Expenditure for County and Municipal Offices
H.B. 232	Online Alcohol Awareness/Community Service in Lieu of Alcohol Awareness Program for Certain Minors
H.B. 333	Requiring Notice of Hotel Firearms Policies
H.B. 338	Jurisdiction for Towed Motor Vehicle Hearings
H.B. 347	Prohibiting Use of a Wireless Communication Device While Operating a Motor Vehicle on School Property
H.B. 434	Persons Authorized to Take Blood Specimens for Intoxication-Related Offenses
H.B. 438	Justice Courts Authorized to Issue an Occupational Driver's License
H.B. 455	Excusing Medical-Related Absences of Students with Children
H.B. 489	Protecting Public Use of Service Animals by Persons with Disabilities
H.B. 528	Total Confidentiality for Records of Children Charged with Fine-Only Misdemeanors
H.B. 555	Criminal Offenses for Unscrupulous Metal Recyclers
H.B. 567	Definition of an Authorized Emergency Vehicle
H.B. 570	Issuance of a Magistrate's Order for Emergency Protection
H.B. 625	Fixing the Penalty for Operating a Vehicle Without a License Plate
H.B. 694	Access by Military Recruiters to Juvenile and Criminal History Information
H.B. 705	Penal Code Definition of "Emergency Services Personnel" Expanded
H.B. 719	Operating a Golf Cart or Utility Vehicle on a Public Highway in Certain Counties
H.B. 798	Loss of Certain Occupational Licenses on Domestic Violence Conviction
H.B. 802	Definition of an Authorized Emergency Vehicle
H.B. 894	Use of Dealer's License Plates by Independent Dealers
H.B. 912	Texas Privacy Act and the Use of Unmanned Aircraft
H.B. 949	Insurance Coverage for Vehicles Acquired During Policy Term
H.B. 970	Regulation of Cottage Food Industry
H.B. 978	Transportation of Patients to Mental Health Facilities
H.B. 1009	School Marshals
H.B. 1020	Certification of Alcohol Awareness Programs Required for Minors Convicted of or Receiving Deferred Disposition for Certain Alcohol Offenses
H.B. 1043	Radio and Television Broadcast Uses of Sound Recordings
H.B. 1044	Operating All-Terrain Vehicles and Recreational Off-Highway Vehicles on Beaches
H.B. 1097	Speeding Violations in a Construction or Maintenance Work Zone
H.B. 1106	Water Safety Act Updates; New Offense for Failure to Have Working Visual Distress Signals on Vessels
H.B. 1125	Extradition Warrants and Justices of Peace
H.B. 1174	Increasing the Penalties for Illegally Passing a Stopped School Bus
H.B. 1206	Law Enforcement Duties Regarding Certain Missing Children

- H.B. 1222 Venue for Certain Alleged Violations or Offenses Under the Water Safety Act
- H.B. 1284 Notification of Penalty for Making False Alarms
- H.B. 1294 Child Passenger Safety Seats; Fine Range and Defense to Prosecution
- H.B. 1305 Acting as an Insurance Agent After License Suspension or Revocation
- H.B. 1372 Authorizing Procedures in Home-Rule Municipalities for Filling Governmental Vacancies
- H.B. 1421 Disposition of Seized Weapons
- H.B. 1435 Notice to Attorney General of Challenges to Constitutionality of Statutes
- H.B. 1448 Justice Court Technology Fund
- H.B. 1479 Establishing Committees in Certain Counties to Recommend a Uniform Truancy Policy
- H.B. 1494 Department of Agriculture Regulatory Program Penalties
- H.B. 1514 Specialty License Plates with Exemptions from Parking Meter Fees
- H.B. 1523 Redefining “Funds” Related to Money Laundering Offenses
- H.B. 1554 Liens for Costs of Abatement of Floodplain Ordinance Violations
- H.B. 1562 Notification of Bail Bond Default Provided to Surety
- H.B. 1606 Prosecution of Harassment and Stalking
- H.B. 1607 Increased Speed Limits on County Roads
- H.B. 1690 Controlling the Spread of Communicable Diseases in Texas
- H.B. 1724 Collection of Municipal and County Hotel Occupancy Taxes
- H.B. 1738 Emergency Detention of a Person Who May Have Mental Illness
- H.B. 1807 Fever Tick Eradication
- H.B. 1813 Possession of Unopened Fireworks in Certain Municipalities
- H.B. 1847 Continuing Legal Education for County and District Attorneys
- H.B. 1862 Decriminalizing Switchblade Knives
- H.B. 1931 Authority to Distribute Funds to Property Owners with Damages from Criminal Pursuit
- H.B. 1951 Criminal Offense to Appoint or Retain an Unlicensed Telecommunicator
- H.B. 1952 Professional Development Training for Certain Public School Personnel on Student Disciplinary Procedures
- H.B. 2021 Collection Contracts for Unpaid Fines, Fees, and Costs in Civil Cases
- H.B. 2025 Concurrent Jurisdiction of Municipal Courts of Certain Neighboring Municipalities to Hear Criminal Cases
- H.B. 2058 Administration of High School Equivalency Examinations
- H.B. 2090 Written Statements Made by an Accused from a Custodial Interrogation
- H.B. 2204 Establishing a Variable Speed Limit Pilot Program
- H.B. 2268 Search Warrants Issued by Certain Magistrates for Customer Data, Communications, and Related Information Held in Electronic Storage
- H.B. 2302 Statewide Electronic Filing System
- H.B. 2304 Certification of Sheriffs and Deputy Sheriffs to Enforce Commercial Motor Vehicle Safety Standards in Certain Counties
- H.B. 2305 Creating a Combined Vehicle Inspection and Registration System
- H.B. 2311 Repeal of Class C Misdemeanor for Failure to Comply with State Animal Identification Program
- H.B. 2377 Criminal Penalties for the Use of Legislatively Produced Audio and Visual Materials
- H.B. 2485 Specialty License Plates with Exemptions from Parking Meter Fees
- H.B. 2539 Computer Technicians Required to Report Child Pornography
- H.B. 2620 Task Force on Domestic Violence

- H.B. 2649 Reporting Requirements for Trapping Permits
- H.B. 2679 Authorizing the Entering of a Plea for Defendants in Jail for Class C Misdemeanors
- H.B. 2690 Towing a Vehicle that is for Sale by an Unlicensed Seller
- H.B. 2741 New Offenses and Amendments to the Transportation Code
- H.B. 2781 Rainwater Harvesting
- H.B. 3015 Recall Elections for Officials of El Paso County General Law Municipalities
- H.B. 3031 Fare Enforcement Officers for Metropolitan Rapid Transit Authorities
- H.B. 3068 Surcharges on Debit Card Purchases
- H.B. 3279 Ban on Uprooting Seagrass Plants
- H.B. 3483 Restrictions for Drivers Under 18 Years of Age; Driver Education Requirements
- H.B. 3561 Conducting Court Proceedings in Contiguous Incorporated Municipality
- H.B. 3668 Changes to Stop and Render Aid Law
- H.B. 3674 Municipal Eligibility for the Historic Courthouse Preservation Program
- H.B. 3676 Restrictions on Drivers with Hardship Licenses Under 18 Years of Age
- H.B. 3739 Municipal Employees Who Become Candidates for Public Office
- H.B. 3838 Requirements for Motorcycle Endorsement, Equipment, and Training
- H.J.R. 87 Authorizing Procedures in Home-Rule Municipalities for Filling Governmental Vacancies
- S.B. 92 Designation of Juvenile Court and Creation of Program for Juvenile Victims of Human Trafficking
- S.B. 107 Restricting Disclosure of Criminal History Information Subject to Order of Nondisclosure
- S.B. 124 Tampering with Certain Governmental Reporting Records for School Districts and Open-Enrollment Charter Schools
- S.B. 181 Verification of Motor Vehicle Financial Responsibility Information on a Wireless Communication Device
- S.B. 186 Mosquito Abatement in Stagnant Water on Uninhabited Residential Property
- S.B. 209 Changes to the Functions and Operation of the State Commission on Judicial Conduct
- S.B. 223 Definition of an Authorized Emergency Vehicle
- S.B. 229 Exception to the Domicile Requirement for Issuance of a CDL for Certain Military Personnel
- S.B. 260 Excusing Absences of a Student to Visit with a Parent, Step-Parent, or Guardian Who Will Be or Has Been Deployed on Military Duty
- S.B. 275 Increasing the Penalty for Leaving the Scene of a Collision that Involves Personal Injury or Death
- S.B. 299 Intentional Display of a Handgun by a Person with a Concealed Carry License
- S.B. 344 Habeas Corpus Procedures Related to Certain Scientific Evidence
- S.B. 367 Disposition of Abandoned or Unclaimed Property Seized at Arrest
- S.B. 389 Assessment of Court Costs Based on Date of Conviction in Higher Courts
- S.B. 390 Repeal of Exceptions to Delayed Implementation of Court Costs
- S.B. 391 Judge-Ordered Obligation to Pay Fines Independent of Community Supervision Obligations
- S.B. 392 Notice to Attorney General of Challenges to Constitutionality of Statutes
- S.B. 393 Procedural and Substantive Law Relating to Children Accused of Committing Certain Class C Misdemeanors
- S.B. 394 Conditional Confidentiality for Records of Children Receiving Deferred Disposition for Certain Fine-Only Misdemeanors
- S.B. 395 Fines and Costs Imposed on a Child in a Criminal Case



- S.B. 458 Exempting Motor Vehicle Titles from Mandatory Disclosures
- S.B. 462 Specialty Court Programs
- S.B. 484 Creation of a Prostitution Prevention Program
- S.B. 487 Definitions of All-Terrain Vehicles and Recreational Off-Highway Vehicles
- S.B. 510 Expanding the Vehicles to Which the “Move Over/Slow Down Law” Applies
- S.B. 529 Creation of the Offense of Installation, Transfer, Use, or Possession of an Automated Sales Suppression Device or Phantom-ware
- S.B. 553 Excusing Absences of High School Students Serving as Early Voting Clerks in an Election
- S.B. 654 Civil Actions to Enforce Water Conservation and Animal Control Ordinances
- S.B. 670 Copying Certain Records and Files Relating to a Child’s Juvenile Justice Proceeding
- S.B. 686 TCLEOSE Changes Name to TCOLE
- S.B. 701 Defense to Criminal Trespass for Certain Utility Companies’ Employees and Agents
- S.B. 743 Penalties for Repeated Violations of Court Orders, Magistrate’s Orders of Emergency Protection, or Conditions of Bond in a Family Violence Case
- S.B. 763 Requirements for Motorcycle Endorsement and Training
- S.B. 821 Prosecution of Criminal Offenses Involving Insufficiently Funded Accounts for Electronic Funds Transfers
- S.B. 825 Disciplinary Standards and Procedures Applicable to Prosecutorial Misconduct Grievances
- S.B. 837 Municipal Power to Regulate Certain Nuisances on Real Property
- S.B. 893 Protective Orders and Conditions of Bond in Certain Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Cases
- S.B. 900 Administrative, Civil, and Criminal Penalties for Pipeline Violations
- S.B. 946 Right to Terminate a Lease or Avoid Liability for a Victim of Certain Sexual Offenses, or Stalking
- S.B. 966 Creation of the Judicial Branch Certification Commission; Oversight of Licensed Court Interpreters
- S.B. 972 Repeal of Criminal Offenses Relating to TDLR Regulated Occupations
- S.B. 987 Injunctions Against Municipalities and Counties Adopting Prohibited Firearms Regulations
- S.B. 1095 Fever Tick Eradication
- S.B. 1010 Access to Certain Facilities by Search and Rescue Dogs and Their Handlers
- S.B. 1061 Parking Privileges for Disabled Veterans at Higher Education Institutions
- S.B. 1114 School Law Enforcement and the Prosecution of Certain Class C Misdemeanor Offenses Committed by Children
- S.B. 1189 Disposition of Firearms Seized by a Law Enforcement Agency During an Emergency Mental Health Evaluation
- S.B. 1192 Rights of Certain Victims of Sexual Assault
- S.B. 1237 Referral of Criminal Cases for Alternative Dispute Resolution and Fees
- S.B. 1289 Duty of Accuracy in the Publication of Criminal Record Information
- S.B. 1317 Authority of Retired Municipal Judges to Conduct Marriages; Expiration of Marriage License
- S.B. 1360 Criminal Offense of Tampering with a Witness in a Case Involving Family Violence
- S.B. 1400 Municipal and County Power to Regulate Air Guns
- S.B. 1419 Juvenile Case Managers and Creation of the Truancy Prevention and Diversion Fund
- S.B. 1427 Criminal Penalty for Violations of the Citrus Budwood Certification Program

- S.B. 1432 Reporting Requirements for Trapping Permits
- S.B. 1437 Filing Documents Electronically with the County Clerk
- S.B. 1512 Confidentiality of Certain Crime Scene Photographs and Video Recordings
- S.B. 1536 Imposing Criminal Penalties Relating to the Texas Military
- S.B. 1541 Discipline of Public School Students by School Bus Drivers
- S.B. 1567 Required Disclosures on Named-Driver Insurance Policies
- S.B. 1611 Discovery in a Criminal Case
- S.B. 1620 Communication Access Realtime Translation (CART) Providers
- S.B. 1630 Vexatious Litigants
- S.B. 1705 Administration of Driving Tests
- S.B. 1729 Agreements Between DPS and Certain Counties for Driver's License Services
- S.B. 1757 New Offense Relating to License Plate Flippers
- S.B. 1792 Nonpayment of Tolls
- S.B. 1896 Confidentiality of Information in Ad Valorem Tax Appraisal Records
- S.B. 1908 Study to Identify and Repeal Court Costs
- S.B. 1917 Definition of an Authorized Emergency Vehicle
- S.C.R. 21 Municipal Courts Weeks 2013 and 2014
- S.J.R. 42 Amends the Texas Constitution to Authorize the SCJC to Use Its Full Range of Disciplinary Actions Following a Formal Proceeding





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