

Special Legislative Edition

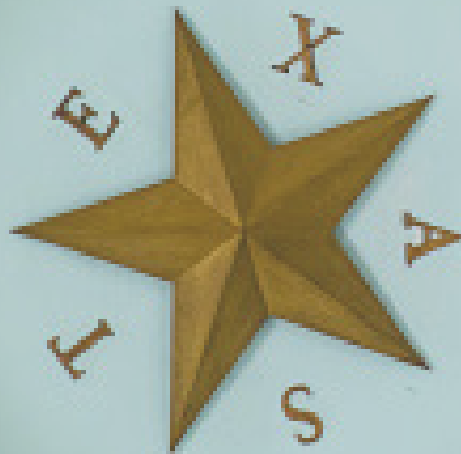
THE RECORDER

THE JOURNAL OF TEXAS MUNICIPAL COURTS

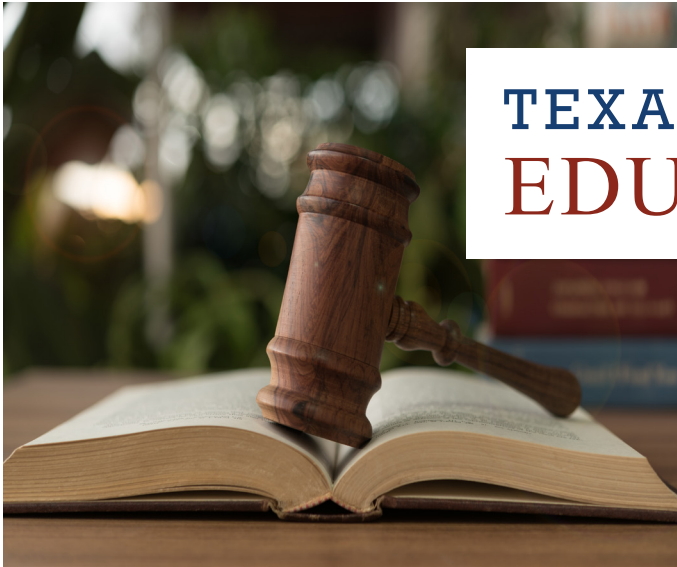
August 2023

© 2023 Texas Municipal Courts Education Center. Funded by a grant from the Texas Court of Criminal Appeals.

INSIDE THIS ISSUE



88th Legislative Update
2023



TEXAS MUNICIPAL COURTS EDUCATION CENTER

2210 Hancock Drive
Austin, TX 78756
Phone: 512.320.8274 or 800.252.3718
Fax: 512.435.6118
www.tmcec.com

STAFF

Taylor Adams, Meeting Planner & Program Coordinator
Elizabeth De La Garza, TxDOT Grant Administrator
Crystal Ferguson, Executive Assistant
Benjamin Gibbs, Program Attorney & Deputy Counsel
Mark Goodner, General Counsel & Director of Education
Antaris Jackson, TxDOT Administrative Assistant
Matthew Kelling, Multimedia Specialist & Logistics Coordinator
Regan Metteauer, Deputy Director
Ned Minevitz, Program Attorney & Senior TxDOT Grant Administrator
Dina Powell, Financial & Administrative Specialist
Elaine Riot, Publications Coordinator
Adrienne Schroeder, Program Coordinator
Deadra Stark, Administrative Director/Controller
Patty Thamez, Information Technology & Operations Specialist
Ryan Kellus Turner, Executive Director
Brandi Valentine, Registration Coordinator
Thomas Velez, Program Attorney

Managing Editor: Regan Metteauer

FY23 TMCEC OFFICERS

President, Hon. Gary Ellsworth, City of Spearman
President-Elect, Hon. Brian Holman, City of Lewisville
First Vice President, Hon. Bonnie Townsend, City of Luling
Second Vice President, Hon. Danny Rodgers, City of Fort Worth
Secretary, Hon. Hilda P. Cuthbertson, City of Snook
Treasurer, Ms. Landra Solansky, City of Seguin
Immediate Past President, Hon. Michael Acuña, City of Dallas

DIRECTORS

Region I Director, Hon. Janet Blacklock Matthews, City of Idalou
Region II Director, Hon. Teresa Weaver Evans, City of Arlington
Region III Director, Hon. Ashley McSwain, City of Wylie
Region IV Director, Ms. April Earley, City of Tyler
Region V Director, Hon. Tim Meek, City of Midland
Region VI Director, Hon. Sherry Statman, City of Austin
Region VII Director, Hon. Edward Spillane, City of College Station
Region VIII Director, Hon. Gary Scott, City of Panorama Village
Region IX Director, Hon. Julie Escalante, City of Baytown
Region X Director, Hon. Henrie Morales, City of Aransas Pass

Published by the Texas Municipal Courts Education Center through a grant from the Texas Court of Criminal Appeals. An annual subscription is available for \$35. Articles and items of interest not otherwise copyrighted may be reprinted with attribution as follows: "Reprinted from *The Recorder: The Journal of Texas Municipal Courts* with permission from the Texas Municipal Courts Education Center."

The views expressed are solely those of the authors and are not necessarily those of the TMCEC Board of Directors or of TMCEC staff members.

PLEASE NOTE: The summaries contained in this publication were written during the months of June, July, and August of 2023. Accordingly, when a summary refers to "current law," it is referring to the law prior to the day of the legislative enactment. Most amendments, except where noted, are effective September 1, 2023.

TMCEC could not bring this compilation to you and maintain our educational mission without the assistance of the State of Texas, more specifically, the House Research Organization, the Senate Research Center, the Office of Court Administration, and the Legislative Budget Board. With a few exceptions, most of the bill summaries contained in this compilation are derived and adapted from the work product of the State of Texas and the forenamed agencies. We are most appreciative of their efforts.

Many of the summaries are followed by commentary. The commentary is the collaborative effort of the TMCEC staff. Thanks to Mark Goodner, Regan Metteauer, Ryan Turner, Ned Minevitz, Benjamin Gibbs, Thomas Velez, and Elaine Riot for their contributions throughout this project.

Table of Contents

Courts, Court Costs, and the Administration of Justice

H.B. 19	
Subject: Creation of a Specialty Trial Court to Hear Certain Cases	12
H.B. 367	
Subject: Powers and Duties of the Commission on Judicial Conduct	12
H.B. 409	
Subject: Relating to the Governance and Administration of the Texas Indigent Defense Commission.	12
H.B. 841	
Subject: Judicial Statistics and Information Gathered by the Texas Judicial Council.....	12
H.B. 907	
Subject: Persons Authorized to Conduct Marriage Ceremonies.....	13
H.B. 1182	
Subject: Requiring Collection of Certain Judicial Statistics	13
H.B. 2384	
Subject: Knowledge, Efficiency, Training, and Transparency Requirements for Candidates for Judicial Office	13
H.B. 4183	
Subject: Waiver of Waiting Period for a Marriage Ceremony.....	14
H.B. 4417	
Subject: Removal of Statutory References to Programs Formerly Regulated by TDLR	14
H.B. 4714	
Subject: Use of an Electronic Recording Device to Report Proceedings in the San Antonio Municipal Court of Record.....	14
H.B. 5010	
Subject: Classification of a Grievance Filed with the State Bar of Texas	14
H.B. 5183	
Subject: Elimination of References to Drug and Alcohol Driving Awareness Programs (DADAP); Substance Misuse Education Programs	15
H.C.R. 75	
Subject: Designating the First Week of November as Municipal Courts Week for a 10-year Period Beginning in 2023.....	15
S.B. 372	
Subject: Unauthorized Disclosure of Non-Public Judicial Opinions and Judicial Work Product	15
S.B. 380	
Subject: Payment of Certain Court Costs Associated with Interpreters	16

S.B. 1045	
Subject: Creation of the Fifteenth Court of Appeals.....	16
S.B. 1780	
Subject: Online Notarizations.....	16
S.B. 2106	
Subject: Judicial Branch Certification Commission	16

Domestic Violence and Human Trafficking

H.B. 467	
Subject: Extending the Statute of Limitations for Certain Assaultive Offenses	17
H.B. 1161	
Subject: Expanding the Address Confidentiality Program to Child Abduction Victims	17
H.B. 1589	
Subject: Increasing the Punishment for Certain Family Violence Assaults.....	17
H.B. 3553	
Subject: Increasing the Punishment for Sexual Offenses and Human Trafficking Conducted at Certain Educational Institutions	18
H.B. 3554	
Subject: Increasing Punishment for Human Trafficking Conducted at Certain Child-Related Locations.....	18
H.B. 3579	
Subject: Allowing TDLR to Halt a Massage Establishment Suspected of Trafficking.....	19
H.B. 5202	
Subject: Violent Offender Database.....	19
S.B. 1325	
Subject: Notice to Certain Victims of Family Violence, Stalking, Harassment, or Terroristic Threat ...	19
S.B. 1527	
Subject: Codified Recommendations from the Texas Human Trafficking Task Force	20
S.B. 1717	
Subject: Stalking	21

Gun Laws

H.B. 1760	
Subject: Possessing Weapons on School Property.....	22
H.B. 2291	
Subject: Carrying or Possessing a Handgun by Certain Retired Judges.....	22
H.B. 2837	
Subject: Prohibiting a Person or Entity from Tracking the Purchase of Firearms.....	22
H.B. 3137	
Subject: Prohibited Local Regulation of Firearms and Air Guns	22
H.B. 4123	
Subject: Access and Use of Certain Criminal History Record Information	23
S.B. 599	
Subject: Carrying or Possessing a Handgun by a District or County Clerk	23

Juvenile Justice and the Interests of Children

H.B. 3	
Subject: Establishing School Safety and Accountability Measures.....	23
H.B. 114	
Subject: Marihuana or E-Cigarettes on or near Public School Property	23
H.B. 473	
Subject: Parental Notice of Threat Assessment of a Student.....	24

H.B. 1212	
Subject: Revising Requirements for Excusing Certain Student Absences	24
H.B. 1819	
Subject: Repeal of Municipal Authority to Adopt or Enforce Juvenile Curfews	24
H.B. 3186	
Texas Youth Diversion and Early Intervention Act	25
H.B. 3917	
Subject: Parent Contributing to Nonattendance Dismissal Procedure.....	34
S.B. 24	
Subject: Services for At-Risk Youth	34
S.B. 68	
Subject: Excused Absences for Certain Students to Visit a Professional’s Workplace for a Career Investigation Day	35
S.B. 1725	
Subject: Expunction of Minor Alcohol Arrests.....	35

Law Enforcement

H.B. 30	
Subject: Access to Certain Law Enforcement, Corrections, and Prosecutorial Records under Public Information Law	36
S.B. 1402	
Subject: Composition, Continuation, and Duties of the Sexual Assault Survivors’ Task Force; Establishment of a Mandatory Training Program for Persons Responding to Reports of Abuse.....	36
S.B. 1445	
Subject: Continuation and Functions of the Texas Commission on Law Enforcement.....	36
S.B. 1484	
Subject: Border Operations Training Program for Peace Officers Employed by Local Law Enforcement Agencies	38
S.B. 2429	
Subject: Reporting Procedures and Training Programs for Law Enforcement Agencies Regarding Missing Children and Missing Persons.....	38

Local Government

H.B. 586	
Subject: Municipal Annexation of Certain Rights-of-Way.....	38
H.B. 969	
Subject: Local Regulation to Enforce Child Custody Violations	39
H.B. 1381	
Subject: Reducing the Required Number of Public Hearings for a Zoning Commission	39
H.B. 2127	
Subject: Preempting Certain Municipal and County Regulation.....	40
H.B. 3033	
Subject: Revising Public Information Law.....	40
H.B. 3053	
Subject: Municipal Disannexation of Certain Areas.....	41
H.B. 3060	
Subject: Regulation of Recycling	41
H.B. 3526	
Subject: Application of Municipal Building Codes to Solar Pergolas.....	42

H.B. 3699	
Subject: Municipal Regulation of Subdivisions and Approval of Subdivision Plans or Plats.....	42
H.B. 4559	
Subject: Statutes that Classify Political Subdivisions by Population	42
H.J.R. 126	
Subject: Constitutional Amendment Protecting Right to Farming, Ranching, Timber Production, Horticulture, and Wildlife Management	42
S.B. 12	
Subject: Restricting Sexually Oriented Performances.....	43
S.B. 29	
Subject: Prohibiting Governmental Entities from Implementing a Vaccine Mandate, Mask Requirement, or Private Business or School Closure to Prevent the Spread of COVID-19	43
S.B. 271	
Subject: State Agency and Local Government Security Incident Reporting.....	44
S.B. 349	
Subject: Housing Authority Pet Policies.....	44
S.B. 577	
Subject: Regulation of Various Food Service Establishments and Food Managers	44
S.B. 784	
Subject: Preemption of Local Regulation of Greenhouse Gas Emissions	44
S.B. 943	
Subject: Publication of Notices by a Governmental Entity on the Internet Websites of a Newspaper and the Texas Press Association.....	44
S.B. 1017	
Subject: Regulation of an Energy Source or Engine.....	45
S.B. 1860	
Subject: Adoption of a Climate Policy in a Municipal Charter	45
S.B. 2038	
Subject: Release of an Area from a Municipality’s Extraterritorial Jurisdiction by Petition or Election	45

Magistrate Duties and Mental Health

H.B. 446	
Subject: Statutory References to Intellectual Disability	46
H.B. 492	
Subject: Creation and Operation of a Mental Health Services District by Midland and Ector Counties	46
H.B. 767	
Subject: Entry of Conditions of Bond for Stalking Offenses into the Texas Crime Information Center	46
H.B. 1712	
Subject: Inclusion of Magistrate’s Name on Certain Signed Orders	46
H.B. 2059	
Subject: Mental Health First Aid Training.....	47
H.B. 2715	
Subject: Prohibition on Tracking Individuals	47
H.B. 3698	
Subject: Expanding Access to the Protective Order Registry.....	48
S.B. 26	
Subject: Mental Health Grants for Children.....	48
S.B. 48	
Subject: Establishing Standardized Forms for Issuance of Certain Court Orders	48

S.B. 63	Subject: Instruction Guide for Family Members and Caregivers of Veterans Who Have Mental Health Disorders	48
S.B. 2479	Subject: Procedures for Persons with a Mental Illness or Intellectual Disability	49

Procedural Law

H.B. 1603	Subject: Appointment of an Attorney Pro Tem in Municipal and Justice Courts	49
H.B. 2015	Subject: Exemption from Jury Service for Persons Over a Certain Age	49
H.B. 2129	Subject: Merchant Allowing a Person Suspected of Theft to Complete a Theft Education Course	50
H.B. 3474	Subject: Judicial Branch Omnibus (Operations, Administration, Practices, and Procedures).....	50
H.B. 4504	Subject: Non-Substantive Revision of Certain Provisions of the Code of Criminal Procedure	51
S.B. 338	Subject: Use of Hypnotically Induced Statements in a Criminal Trial	51
S.B. 409	Subject: Rights Afforded to Victims of Stalking and Indecent Assault	51

Substantive Criminal Law

H.B. 6	Subject: Designating Certain Deaths as Poisonings and Enhancing Penalties	52
S.B. 1516	Subject: Habeas Corpus Procedures	52
S.B. 2101	Subject: Notification of Crime Victims' Rights	52
H.B. 28	Subject: Enhancing Punishment for Certain Conduct that Constitutes Aggravated Assault	53
H.B. 55	Subject: Increasing the Punishment for Indecent Assault.....	53
H.B. 63	Subject: Reports and Certain Preliminary Investigations of Child Abuse	53
H.B. 165	Subject: Prosecution of and Punishment for an Aggravated Assault Occurring as part of a Mass Shooting	53
H.B. 420	Subject: Increasing the Punishment for Providing an Alcoholic Beverage to a Minor	53
H.B. 598	Subject: Criminal Offense for Possession of an Animal by Persons Previously Convicted of an Offense Involving Animal Cruelty	54
H.B. 611	Subject: Criminalizing Unlawful Disclosure of Residence Address or Telephone Number	54
H.B. 969	Subject: Local Regulation to Enforce Child Custody Violations	54
H.B. 1163	Subject: Creating Criminal Offense of Boating while Intoxicated with Minor Passenger	54
H.B. 1427	Subject: Prosecution of Harassment	55

H.B. 1553	
Subject: Definition of Amusement Ride for Purposes of Regulation	55
H.B. 1730	
Subject: Increasing the Punishment for Subsequent Offenses of Indecent Exposure	55
H.B. 1833	
Subject: Increasing the Punishment for Criminal Mischief Involving a Public Power Supply.....	55
H.B. 1910	
Subject: Presumption for the Offense of Forgery	55
H.B. 2187	
Subject: Abandoning or Endangering an Elderly or Disabled Individual.....	55
H.B. 2306	
Subject: Voyeurism by Electronic Means	55
H.B. 2700	
Subject: Sexually Explicit Visual Material Involving Children	56
H.B. 2897	
Subject: Theft of Service	56
H.B. 3025	
Subject: Extending the Statute of Limitations for Certain Offenses Involving a Child	56
H.B. 3065	
Subject: Taking of Wildlife by an Employee of the Parks and Wildlife Department or by a Person or Agent of the Person on the Person's Property	56
H.B. 3075	
Subject: Creating a Criminal Offense for Operating Certain Unmanned Aircraft	56
H.B. 3660	
Subject: Animal Population Control and Trap-Neuter-Return Programs	57
H.B. 4164	
Subject: Improper Use of an Assistance or Service Animal	57
H.B. 4337	
Subject: Adding Foreign Government Records to Certain Perjury Offense Provisions	57
H.B. 4635	
Subject: Organized Crime, Racketeering Activities, and Collection of Unlawful Debts	57
H.B. 4758	
Subject: Prohibition of Certain E-Cigarette Products Marketed for Minors	58
S.B. 129	
Subject: Prosecution and Punishment for Possession or Promotion of Child Pornography.....	58
S.B. 189	
Subject: Creation of a Criminal Offense for Failure to Report Abuse or Mistreatment of Residents of Group Homes.....	58
S.B. 224	
Subject: Catalytic Converters, Including Criminal Conduct and Creating an Administrative Penalty ..	58
S.B. 386	
Subject: Prosecution of a Capital Murder Committed Against a Peace Officer or Fireman.....	59
S.B. 497	
Subject: Processing and Sale of Kratom and Kratom Products.....	59
S.B. 576	
Subject: Financial Abuse of Elderly Individuals	59
S.B. 840	
Subject: Increasing the Punishment for Assault of Certain Hospital Personnel	60
S.B. 947	
Subject: Creating a Criminal Offense for Damaging Certain Critical Infrastructure	60
S.B. 997	
Subject: Publication of Certain Photographs of Human Remains	60

S.B. 1004	
Subject: Creating the Criminal Offense of Tampering with an Electronic Monitoring Device	60
S.B. 1179	
Subject: Civilly Committed Sexually Violent Predators	61
S.B. 1308	
Subject: Operating Unmanned Aircraft over Airports and Military Installations.....	61
S.B. 1346	
Subject: Littering Offenses	62
S.B. 1361	
Subject: Producing Explicit Videos Using Certain Technology	62
S.B. 1376	
Subject: Employment Preference for Members of the Military and their Spouses for Positions at State Agencies.....	62
S.B. 1518	
Subject: Creating State Offenses Related to Terrorism and a Terrorist Offender Registry.....	62
S.B. 1551	
Subject: Failure to Identify	63
S.B. 1653	
Subject: Promotion of Prostitution.....	63
S.B. 1900	
Subject: Applying Organized Crime Provisions to Foreign Terrorist Organizations	63

Traffic Safety and Transportation

H.B. 198	
Subject: Safety Inspection of Certain Travel Trailers	63
H.B. 291	
Subject: Occupational Driver’s Licenses and Renewal of Driver’s Licenses	64
H.B. 718	
Subject: Elimination of Temporary Paper License Plates.....	64
H.B. 842	
Subject: Prohibiting Suspension of Driver’s License or Extension of the Period of Suspension for Certain DWLI Convictions.....	64
H.B. 898	
Subject: Increased Penalties for Violating the Move Over or Slow Down Law.....	65
H.B. 914	
Subject: Temporary Vehicle Tags and Tampering with a Governmental Record	65
H.B. 1198	
Subject: Public Awareness Campaign to Promote the Proper Attachment of Trailers to Certain Motor Vehicles.....	65
H.B. 1277	
Subject: Limitation for Pedestrians Walking on the Street When No Sidewalk Available.....	65
H.B. 1442	
Subject: Forfeiture of Contraband Relating to Reckless Driving Exhibition	65
H.B. 1633	
Subject: Reduced Penalty Structure for Handicapped Parking Offenses.....	66
H.B. 1846	
Subject: Skills Test Required for a Commercial Driver’s License for Out-of-State Commercial Learner’s Permit Holders.....	66
H.B. 1885	
Subject: Variable Speed Limits	66

H.B. 2190	
Subject: Changing Traffic “Accident” to “Collision” throughout the Transportation Code.....	66
H.B. 2195	
Subject: Increased Fines for Wrong, Fictitious, Altered, or Obscured License Plates	66
H.B. 2616	
Subject: Authorizing Use of Visual Signals for Certain Vehicles	67
H.B. 2899	
Subject: Impoundment of Vehicles Used for Street Racing.....	67
H.B. 2901	
Subject: Enforcement of Commercial Motor Vehicle Safety Standards in Certain Municipalities in Orange County	67
H.B. 3014	
Subject: Electric Vehicle Emissions Inspection Exemption	67
H.B. 3125	
Subject: Use of Certain Lighting Equipment on Authorized Emergency Vehicles	67
H.B. 3126	
Subject: Amending the Definition of “Pass” and “Passing” in the Transportation Code	67
H.B. 3132	
Subject: Optional Designation on Driver’s License or ID Indicating a Person is Deaf or Hard of Hearing.....	67
H.B. 3224	
Subject: Eliminating Vehicle Registration Revocation Following Failure to Maintain Financial Responsibility (FMFR) Conviction	68
H.B. 3297	
Subject: Elimination of Vehicle Safety Inspection Requirement for Noncommercial Vehicles.....	68
H.B. 3313	
Subject: Clarifying Motorcycle and Moped LED Ground Lighting Law.....	68
H.B. 3558	
Subject: Stopping at Stop Signs.....	68
H.B. 3643	
Subject: Repealing Temporary Driver’s Licenses Without Photographs.....	68
H.B. 3645	
Subject: Requirements for the Issuance of Certain Driver’s Licenses.....	69
H.B. 3646	
Subject: New Definition of “Commercial Motor Vehicle”	69
H.B. 3647	
Subject: Limitation on the Department of Public Safety’s Ability to Suspend Driver’s Licenses	69
H.B. 4122	
Subject: New Transportation Code Section Regulating Motorcycle Operation	69
H.B. 4528	
Subject: Removal of Requirement that a Peace Officer Take Possession of a Driver’s License for Certain Intoxication Arrests	69
S.B. 323	
Subject: Enforcement of Commercial Motor Vehicle Safety Standards in Waller County	70
S.B. 347	
Subject: Suspension of Driver’s License Following Certain Convictions.....	70
S.B. 505	
Subject: Additional Registration Fee for Electric Vehicles.....	70
S.B. 540	
Subject: Enforcement of Commercial Motor Vehicle Safety Standards in Certain Municipalities in Parker County	70

S.B. 904
 Subject: Out-of-Compliance Handicapped Parking Spaces70
 S.B. 1023
 Subject: Establishment and Posting of Maximum Loads Permitted on Certain Bridges71
 S.B. 1115
 Subject: Amended Definition of “Autocycle”.....71
 S.B. 1364
 Subject: Increased Maximum Weight for Electric Semitrucks71
 S.B. 1732
 Subject: Standards for Certain Electric Vehicle Charging Stations71
 S.B. 2102
 Subject: Three-Year Initial Registration/Inspection Period for Rental Cars.....71

88th Legislative Update Scrapbook 2023



Courts, Court Costs, and the Administration of Justice

H.B. 19

Subject: Creation of a Specialty Trial Court to Hear Certain Cases

Effective: September 1, 2023

According to the Office of Court Administration of the Texas Judicial System, the state has over 200 specialized courts, from probate courts in some counties to specialized district courts designated to hear family cases, juvenile cases, or veterans' cases. Texas, however, does not have a court specializing in resolving complex business disputes. In this respect, Texas lags behind other states.

H.B. 19 amends Subtitle A, Title 2 of the Government Code creating a specialized business trial court, allocating the assignment of business court judges to align with the state's Administrative Judicial Regions, and setting up specific jurisdictional parameters for the court. The business district courts will have the powers of a district court as defined by Chapter 24 of the Government Code and will have civil jurisdiction concurrent with district courts in certain business-related civil actions in which the amount in controversy exceeds \$5 million.

TMCEC: Although H.B. 19 does not affect municipal courts, it is notable as one of two bills (along with S.B. 1045) that change the structure of the Texas judicial system.

H.B. 367

Subject: Powers and Duties of the Commission on Judicial Conduct

Effective: September 1, 2023

In judicial elections, when a candidate runs for judicial office against an incumbent, the incumbent judges are subject to the Texas Code of Judicial Conduct while candidates are not. This bill adds Section 33.02105 of the Government Code, granting the State Commission on Judicial Conduct the authority to enforce the same actions for violations of the rules of judicial ethics on candidates in judicial elections as on incumbent judges holding those elected positions.

H.B. 409

Subject: Relating to the Governance and Administration of the Texas Indigent Defense Commission

Effective: September 1, 2023

Currently, the Texas Indigent Defense Commission (TIDC) includes judges, a defense lawyer, and a chief public defender. A representative from a managed assigned counsel (MAC) program, however, is not included even though TIDC has many cases that involve indigent defendants who are represented by attorneys from MAC programs.

H.B. 409 amends Section 79.014 of the Government Code, adding two members to the TIDC board the governor is required to appoint with the advice and consent of the senate. One new member must be either a director of a MAC program in this state or a person with demonstrated expertise in indigent defense issues. The second new member must be a justice of the peace, municipal judge, or appointed magistrate whose regular duties include presiding over hearings under Article 15.17 of the Code of Criminal Procedure.

H.B. 841

Subject: Judicial Statistics and Information Gathered by the Texas Judicial Council

Effective: September 1, 2023

H.B. 841 amends Section 71.035 (a) of the Government Code to require the Texas Judicial Council to include case-level information on the amount and character of the business transacted by courts in the judicial statistics and other pertinent information already collected.

TMCEC: This bill contains a more general directive to the Texas Judicial Council to collect case-level data from all judges and courts across the state than the directive in H.B. 1182. That bill lists specific case-level information to be collected for courts of a given size, and requires publication of case-level information on the Office of Court Administration's public internet website. H.B. 841 passed first, on May 18, and was signed on June 10. H.B. 1182 passed second, on May 27, and was signed on June 12.

H.B. 907

Subject: Persons Authorized to Conduct Marriage Ceremonies

Effective: September 1, 2023

Current law authorizes specified categories of judges, justices, and magistrates to conduct a marriage ceremony, requiring periodic legislative updates to account for newly created types of judges, which may lag behind laws defining judicial officers. H.B. 907 addresses this issue by simplifying the list of judges in Section 2.202 of the Family Code who have that authority incorporating the Tax Code definitions of federal judge and state judge, which are more comprehensive and are updated regularly.

TMCEC: H.B. 907 removes the current laundry list of state and federal judges authorized to conduct marriage ceremonies and replaces it with “a current, former, or retired federal judge or state judge” as defined by Section 25.025 of the Tax Code, which includes a municipal judge within the definition of state judge. Additionally, it should be noted that the word “former” will include judges not contemplated under the current version of Section 2.202 of the Family Code.

H.B. 1182

Subject: Requiring Collection of Certain Judicial Statistics

Effective: September 1, 2023

The Texas Judicial Council (TJC) collects judicial statistics and other pertinent information from state judges and other court officials. Section 71.035(a) of the Government Code establishes requirements for monthly reports to the Office of Court Administration (OCA). For justice and municipal courts, reports are filed individually by each court. The information within them is extensive, including data about bench and jury trials, dismissals, acquittals, and other topics. For the criminal county, district, and statutory county courts, each county files a consolidated report.

H.B. 1182 amends Section 71.035(a) of the Government Code to require TJC to collect monthly court activity statistics for each Texas trial court and publish the information collected on the office’s website in a searchable format.

Courts in counties with over one million people are

required to submit a required monthly report with specified information within the same prescribed deadline to the appropriate county official. The county is then required to publish the information on its website in a searchable format.

TMCEC: Although H.B. 1182 does not change which information municipal courts must report to OCA each month, the changes are sweeping and require OCA to process much more data. After this bill goes into effect, OCA may promulgate changes to the reporting system that will be felt in municipal courts. These changes will be cumulative with those made by companion bill H.B. 841. H.B. 841 passed first, on May 18, and was signed on June 10. H.B. 1182 passed second, on May 27, and was signed on June 12.

H.B. 2384

Subject: Knowledge, Efficiency, Training, and Transparency Requirements for Candidates for Judicial Office

Effective: September 1, 2023

Voters should have access to all pertinent information regarding judicial candidates and be assured that elected judges are the most qualified individuals for the job. H.B. 2384 amends current law relating to court administration, including the knowledge, efficiency, training, and transparency requirements for candidates for or holders of judicial offices.

H.B. 2384 establishes additional ballot application requirements under new Section 141.0311 of the Election Code for candidates for certain judicial offices. Amended Section 33.032 of the Government Code requires judicial candidates to disclose any record of sanctions regarding a false declaration on a ballot application. Additionally, H.B. 2384 adds Chapter 39 of the Government Code, creating additional education requirements for sitting elected judges. H.B. 2384 also establishes provisions in Chapter 72 of the Government Code to report certain court performance measures to the Office of Court Administration, which must develop standards for identifying courts that need assistance to promote the efficient administration of justice. The bill amends Chapter 82 of the Government Code, establishing a specialty certification in judicial administration for attorneys. The provisions of the

bill apply to the following judicial offices: chief justice or justice of the Supreme Court; presiding judge or judge of the Court of Criminal Appeals; chief justice or justice of a court of appeals; district judge, including a criminal district judge; and judge of a statutory county court.

TMCEC: Municipal courts are not affected by this bill, as the central focus is on elected judges. It is worth noting that changes to educational standards as well as OCA reporting may always be useful in predicting future changes.

H.B. 4183

Subject: Waiver of Waiting Period for a Marriage Ceremony

Effective: September 1, 2023

Section 2.204 of the Family Code prohibits a marriage ceremony from taking place until after a 72-hour waiting period, after issuance of a marriage license. There are several exceptions in the statute, and judges with jurisdiction in family law cases, justices of the supreme court of Texas, judges of the court of criminal appeals, county judges, and judges of a court of appeals may consider a petition to waive the waiting period.

H.B. 4183 amends Section 2.204 to add three kinds of judge to the list of those who may consider a waiver of the waiting period: associate judges in family law courts appointed under Chapter 201 of the Family Code, associate judges in county and district courts appointed under Chapter 54A of the Code of Criminal Procedure, and justices of the peace.

TMCEC: Not having authority to consider these waivers under this statute, municipal judges have the ability to conduct marriage ceremonies but must honor the 72-hour waiting period unless an exception applies under Section 2.204 of the Family Code.

H.B. 4417

Subject: Removal of Statutory References to Programs Formerly Regulated by TDLR

Effective: June 11, 2023

H.B. 4417 removes remaining references to the drug and alcohol driving awareness program (DADAP) from Chapter 106 of the Alcoholic Beverage Code. This bill removes language allowing a court to approve DADAP as an alternative to attending

other drug and alcohol awareness programs. This bill also removes references in Chapter 521 of the Transportation Code to the DADAP program, joint adoption rules, and application and renewal fees for DADAP providers. The bill also removes language requiring community service for defendants in counties without access to an alcohol awareness class program to be approved by the Texas Department of Licensing and Regulation (TDLR).

TMCEC: Changes to the law in 2021 removed DADAP as an alternative program for alcohol offenses. TDLR no longer regulates DADAP classes. This bill simply removes references to DADAP that were overlooked in the 2021 modifications.

H.B. 4714

Subject: Use of an Electronic Recording Device to Report Proceedings in the San Antonio Municipal Court of Record

Effective: September 1, 2023

H.B. 4714 amends Section 30.00226 of the Government Code allowing the use of an electronic recording device to report proceedings before a municipal court of record for the City of San Antonio.

TMCEC: Section 30.00010(d) of the Government Code already allows municipal courts of record to utilize electronic recording devices instead of providing a court reporter. San Antonio, however, has its own Subchapter F in Chapter 30 that does not track the general provision. H.B. 4714 brings San Antonio's court reporter requirements in line with the general provision.

H.B. 5010

Subject: Classification of a Grievance Filed with the State Bar of Texas

Effective: September 1, 2023

The State Bar of Texas advances the quality of legal services to Texas residents. This is done, in part, through disciplinary procedures, triggered by a grievance received from a member of the public. Currently, any person anywhere in the country can file a grievance. The chief disciplinary counsel's office received 7,175 grievances in the 2021-2022 year. 94% were inconsequential.

H.B. 5010 guides the discretion of the chief disciplinary counsel reducing the number of

inconsequential complaints processed by the State Bar every year, thus saving Texas taxpayers money and relieving Texas attorneys from the time-consuming and nerve-wracking burden of surviving a complaint process begun by someone with no personal legal interest in the underlying matter.

H.B. 5010 expands the criteria by which the State Bar of Texas' chief disciplinary counsel's office classifies grievances. Under amended Chapter 81 of the Government Code, a grievance will be classified as a complaint if it was submitted by a person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance.

A grievance will be classified as an inquiry if submitted by a person who does not have a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance. The chief disciplinary counsel would be required to refer each of these inquiries to the voluntary mediation and dispute resolution procedure.

H.B. 5010 also allows an attorney against whom a grievance is filed to appeal the classification of a grievance as an inquiry to the Board of Disciplinary Appeals. H.B. 5010 applies only to grievances filed after September 1, 2023

H.B. 5183

Subject: Elimination of References to Drug and Alcohol Driving Awareness Programs (DADAP); Substance Misuse Education Programs

Effective: September 1, 2023

When a minor is convicted of or granted deferred disposition for public intoxication or an alcohol offense under Chapter 106 of the Alcoholic Beverage Code, the minor is required to complete a class. H.B. 5183 removes DADAP as one of the class options. It also changes the name of one of the two remaining options from "drug education program" to "substance misuse education program." The Texas Department of Licensing Regulation now approves substance misuse education programs.

TMCEC: H.B. 5183 should be read in conjunction with H.B. 4417, which also repeals DADAP. Since 2021, at least three different passed bills

have repealed DADAP (H.B. 1560 (2021), H.B. 4417 (2023), and this bill).

H.C.R. 75

Subject: Designating the First Week of November as Municipal Courts Week for a 10-year Period Beginning in 2023

Effective: June 9, 2023

Municipal courts provide citizens with a local forum where questions of law and fact can be resolved regarding alleged violations of state law and municipal ordinances. Because more citizens come into contact with municipal courts than any other courts, the public impression of the Texas judicial system is largely dependent on their experience there. Municipal judges, clerks, court administrators, prosecutors, and juvenile case managers 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. 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 court personnel for their exemplary dedication to the communities they serve.

The House of Representatives of the 88th Texas Legislature recognizes the first week of November as Municipal Courts Week and takes special note of the important work performed by all those associated with the state's municipal courts. Further, H.C.R. 75 designates the first week of November to be Municipal Courts Week until the tenth anniversary of its signing.

Until 2032, the first week of November is designated as Municipal Courts Week.

S.B. 372

Subject: Unauthorized Disclosure of Non-Public Judicial Opinions and Judicial Work Product

Effective: September 1, 2023

In 2021, a draft of U.S. Supreme Court Justice Samuel Alito's majority opinion in *Dobbs v. Jackson Women's Health Organization* was leaked to a news website. To provide protection to draft opinions of the court, particularly on

sensitive issues, S.B. 372 adds Section 21.013 of the Government Code requiring that a person, other than a justice or judge, who is involved in crafting an opinion or decision for an adjudicatory proceeding, to maintain the confidentiality of all non-public judicial work product in accordance with rules promulgated by the Supreme Court of Texas.

Furthermore, a person, other than a justice or judge, with access to non-public judicial work product commits a Class A misdemeanor if the person knowingly discloses, wholly or partly, the contents of any non-public judicial work product. However, it would be a defense to prosecution if the disclosure was authorized either in writing by the justice or judge for whom the work product is prepared, or under rules of the Supreme Court of Texas.

TMCEC: Section 2 of S.B. 372 requires the Supreme Court of Texas to adopt any rules necessary to implement Section 21.013 as soon as practicable. It will be interesting to see how soon that adoption occurs, as the prosecution of the new crime may be stifled in the absence of new rules.

S.B. 380

Subject: Payment of Certain Court Costs Associated with Interpreters
Effective: May 23, 2023

In Texas, some low-income litigants and legal aid providers are required to pay for language access services, such as interpreters, despite Rule 145 of the Texas Rules of Civil Procedure stating that court-appointed professionals are a covered court cost for those with a valid statement of inability to pay on file. This situation can discourage non-English speaking persons from utilizing or participating meaningfully in the justice system, potentially impeding access to justice for some Texans.

S.B. 380 amends Section 57.002 of the Government Code adding a provision that a party who files an affidavit of inability to pay court costs under Rule 145 is not required to pay court costs for an interpreter. This provision applies only to cases to which the Rules of Civil Procedure apply.

S.B. 1045

Subject: Creation of the Fifteenth Court of Appeals
Effective: September 1, 2023

Civil cases of statewide significance frequently involve the state, a state agency, or a state official (sued in connection with their official action) as a party. These cases require courts to apply highly specialized precedent in complex areas of law including sovereign immunity, administrative law, and constitutional law.

Under the current judicial system, appeals in cases of statewide significance are decided by one of Texas's 14 intermediate appellate courts. These courts have varying levels of experience with the complex legal issues involved in cases of statewide significance, resulting in inconsistent results for litigants.

S.B. 1045 adds Section 22.2151 of the Government Code establishing the Fifteenth Court of Appeals with exclusive jurisdiction over civil cases to which the state, a state agency, or a state official is a party. The justices on this new Fifteenth Court of Appeals are elected statewide, ensuring that all Texans have a voice in the selection of judges who decide cases of statewide importance.

S.B. 1780

Subject: Online Notarizations
Effective: January 1, 2024

In 2019, the 85th Legislature passed legislation creating Subchapter C, Chapter 406 of the Government Code and Title 1, Chapter 87 of the Administrative Code allowing remote online notarization (RON). This process allows remote notarization for documents in certain circumstances.

S.B. 1780 modifies statutes to allow remote ink notarization (RIN). RIN allows a person to use a "wet ink" or tangible signature rather than an electronic signature in RON. The bill codifies and makes permanent certain RIN procedures allowed by the governor's now-expired emergency proclamation.

S.B. 2106

Subject: Judicial Branch Certification Commission
Effective: September 1, 2023

S.B. 2106 amends Sections 152.203 and 153.004 of the Government Code relating to the Judicial Branch Certification Commission (JBCC). The bill authorizes the Supreme Court of Texas to adopt rules on ineligibility to renew a certification,

registration, or license issued by the JBCC. It also specifies considerations for the imposition of administrative sanctions by the JBCC. Under new Subsection 153.004(b), any determination must be based upon: the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation; the threat to health or safety caused by the violation; any previous violations; the administrative sanction necessary to deter a future violation; whether the violator demonstrated good faith, including (when applicable) whether the violator made good faith efforts to correct the violation; and any other matter that justice may require. These changes result in a fairer and more transparent regulatory system for the professions under the JBCC's jurisdiction, namely professional guardians, court reporters, process servers, and interpreters

Domestic Violence and Human Trafficking



H.B. 467
Subject: Extending the Statute of Limitations for Certain Assaultive Offenses
Effective: September 1, 2023

The statute of limitations period for certain assault crimes is currently only two or three years, depending on whether the crime is a misdemeanor or felony. Oftentimes in cases where victims are family members of or are in various types of relationship with the defendant, the victims are unable to expeditiously report the abusive behavior given the continuing control their abusers exert over their lives.

H.B. 467 amends Article 12.01 of the Code of Criminal Procedure (Felonies), extending the statute of limitations period for certain felonies from within three years of the date the offense was committed to within five years of that date. This extension applies to the following Penal Code offenses: (1) Section 25.11 (Continuous Violence Against the Family); (2) Section 22.01 (Assault), if committed against a person with whom the defendant had a dating, family, or household relationship or association; and (3) Section 22.02 (Aggravated Assault).

H.B. 467 also amends Article 12.02 (Misdemeanors), extending the statute of limitations for misdemeanor assault against a person with whom the defendant had a dating, family, or household relationship or association from within two years to within three years of the date of the commission of the offense.

H.B. 1161
Subject: Expanding the Address Confidentiality Program to Child Abduction Victims
Effective: May 24, 2023

Code of Criminal Procedure art. 58.052 creates an address confidentiality program (ACP) administered by the attorney general. The program assists victims of family violence, sexual assault or abuse, stalking, or trafficking of persons in maintaining a confidential address.

H.B. 1161 adds victims of child abduction to the list of eligible ACP participants. Child abduction is defined as any conduct that constituted an offense of unlawful restraint, kidnapping, aggravated kidnapping, or the unlawful taking from custody a person younger than 18 years of age. H.B. 1161 also amends eligibility standards for the program, requiring an applicant to meet any rather than all of the relevant criteria.

H.B. 1589
Subject: Increasing the Punishment for Certain Family Violence Assaults
Effective: September 1, 2023

Currently, when a defendant commits assault involving family violence, the punishment is a Class A misdemeanor. However, if the defendant has a prior conviction of committing family

violence, the punishment is enhanced to a third degree felony. When a defendant is arrested for committing family violence, bond conditions and a protective order may be set while the criminal case is pending. While committing any additional acts of family violence constitutes a violation of the bond conditions and the protective order, a prior conviction of such a violation does not trigger an enhancement to the punishment for assault the way that certain other family violence-related convictions do.

H.B. 1589 adds certain violations of court orders and bond conditions to the applicable offenses that enhance the criminal penalty for family violence-related assault under Section 22.01(b) and (b-3) of the Penal Code. H.B. 1589 enhances the punishment for assault against a person with whom the defendant had a family, dating, or household relationship or association if the defendant was convicted of violating or repeatedly violating certain court orders or bond conditions by committing family violence from a Class A misdemeanor to a third-degree felony.

H.B. 1589 also enhances the punishment to a second degree felony if the defendant was previously convicted of violating or repeatedly violating certain court orders or bond conditions by committing family violence and the offense was committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.

H.B. 3553

Subject: Increasing the Punishment for Sexual Offenses and Human Trafficking Conducted at Certain Educational Institutions

Effective: September 1, 2023

Human trafficking has infiltrated college campuses across the nation, with numerous cases reported on Texas campuses in the last decade. College students are particularly vulnerable to exploitation and abuse due to the transition to college life and the lack of resources and knowledge. Factors such as economic instability, living away from home for the first time, common use of alcohol, and immigration status make college students especially susceptible to exploitation and trafficking.

H.B. 3553 enhances the punishment from a second degree felony to a first degree felony for the offense involving trafficking of a person on the premises of or within 1,000 feet of a public, private, or independent institution of higher education.

Additionally, H.B. 3553 adds Section 12.502 of the Penal Code, increasing the penalties to the next higher category for offenses under Sections 21.07 (Public Lewdness), 21.08 (Indecent Exposure), 21.15 (Invasive Visual Recording), and 21.17 (Voyeurism) if the offense was committed on the premises of a postsecondary educational institution. H.B. 3553 further enhances the punishment for the same offenses if the person has been previously convicted twice of an offense for which the punishment was increased.

H.B. 3554

Subject: Increasing Punishment for Human Trafficking Conducted at Certain Child-Related Locations

Effective: September 1, 2023

Children in the child protective system face an increased risk for trafficking and abuse according to the Center for the Rights of Abused Children. According to the Department of Family and Protective Services (DFPS), in fiscal year 2021 there were 45,870 youth in DFPS conservatorship. During this period, 1,767 of those youth went missing, and only 1,632 of the missing youth were recovered. Of the recovered youth, 119 reported being victimized and 43 of those were identified as victims of sex trafficking.

H.B. 3554 addresses the exploitation and trafficking of children within and around facilities that interact with children in Texas by enhancing the punishment from a second degree felony to a first degree felony for an offense involving trafficking of a person on the premises of or within 1,000 feet of certain shelters or facilities, a community center offering youth services, or a child-care facility.

Currently, under Section 20A.02 (Trafficking of Persons) of the Penal Code, the punishment for an offense committed on the premises of or within 1,000 feet of a school is enhanceable from a second degree felony to a first-degree felony. H.B. 3554 adds five more locations to the list in Section 20A.02 that lead to an enhanced punishment. if the

offense was committed on the premises of or within 1,000 feet of: (1) a juvenile detention facility; (2) a post-adjudication secure correctional facility; (3) a shelter or facility operating as a residential treatment center that serves runaway youth, foster children, people who are homeless, or persons subjected to human trafficking, domestic violence, or sexual assault; (4) a community center offering youth services or programs; or (5) a childcare facility.

TMCEC: Both H.B. 3553 and H.B. 3554 address concerns that current law relating to trafficking of persons may not provide sufficient penalties and also identifies sensitive places and groups that are particularly vulnerable.

H.B. 3579

Subject: Allowing TDLR to Halt a Massage Establishment Suspected of Trafficking
Effective: September 1, 2023

The presence of human trafficking at many massage establishments across Texas is concerning, and law enforcement has struggled to shut down businesses when human trafficking is suspected because the business can simply change ownership and reestablish itself under new management in the same location.

H.B. 3579 makes two changes to Chapter 455 of the Occupations Code (Massage Therapy). First, it amends Section 455.005, allowing local governments to adopt more restrictive regulation for massage establishments if the regulation relates to location, ownership, hours of operation, or operation of a massage establishment where three or more arrests have occurred (or three or more citations have been issued) for certain prostitution offenses or for engaging in organized criminal activity. More restrictive regulation is also permitted if an offense was committed resulting in a conviction for trafficking, money laundering, prostitution, or organized criminal activity. Massage establishments operating at a location where another massage establishment (or owner or operator) was previously sanctioned for a violation of Chapter 455 also face heightened regulations.

H.B. 3579 adds Section 455.252 of the Occupations Code, allowing the Texas Department of Licensing and Regulation (TDLR) executive director to

issue an emergency order halting the operation of a massage establishment if: (1) a law enforcement agency gave notice to TDLR, or TDLR otherwise learned, that the law enforcement agency was investigating the massage establishment for a human trafficking offense; or (2) TDLR had reasonable cause to believe that a human trafficking offense was being committed at the massage establishment.

H.B. 5202

Subject: Violent Offender Database
Effective: June 11, 2023

Intimate partner violence, which is abuse or aggression that occurs in romantic relationships, poses a serious risk for Texans. According to an analysis conducted by the Texas Council on Family Violence, 204 Texans were murdered by their intimate partners in 2021. To address the increasingly high rates of intimate partner violence, H.B. 5202 adds Section 411.1355 of the Government Code, requiring the Department of Public Safety (DPS) to maintain a central database of offenders who have committed certain violent offenses, including offenses for which an affirmative finding of family violence was made, and requires DPS to respond to database-related public information requests.

S.B. 1325

Subject: Notice to Certain Victims of Family Violence, Stalking, Harassment, or Terroristic Threat
Effective: May 13, 2023

Natalia Cox was a college student who was murdered by someone with whom she had gone on two dates. Days before she was killed, law enforcement responded to a call of a terroristic threat at her home. According to an affidavit, the perpetrator showed up with a gun, threatened to “shoot his way in,” and attempted to enter by kicking in the door. Natalia Cox’s family believes that if she had the resources to call and get the help she needed, she could be alive today.

Current law makes it difficult to standardize and update resources provided to victims. Furthermore, victims’ services departments have a difficult time ensuring that the most current information is included in their brochures.

S.B. 1325, known as the Natalia Cox Act, changes current law relating to the notice given to certain victims of family violence, stalking, harassment, or terroristic threat and directs the Health and Human Services Commission (HHSC) to adopt a written notice to be provided to victims of family violence.

TMCEC: Victims of family violence, stalking, harassment, and terroristic threat are identified in a variety of circumstances and settings; including hospitals, schools, and by law enforcement and Child Protective Services. S.B. 1325 implements different target dates for the written materials mandated by the law to be available at different institutions and by varying agencies. The bill requires HHSC, not later than December 1, 2023, to adopt and make available the notice required by new Chapter 51A of the Human Resources Code.

S.B. 1325 adds Article 2.1398 and amends Article 5.04 of the Code of Criminal Procedure and adds Section 51.2825 of the Education Code, all of which require peace officers investigating family violence, stalking, harassment, and terroristic threat offenses to advise victims of all reasonable means to prevent further offenses, including providing the written notice adopted by HHSC. Medical professionals are similarly charged with providing the written HHSC notice under amended Section 91.003 of the Family Code, which takes effect January 1, 2024.

S.B. 1527

Subject: Codified Recommendations from the Texas Human Trafficking Task Force

Effective: September 1, 2023

The Texas Human Trafficking Prevention Task Force is statutorily required to develop legislative recommendations that will strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, curb economic markets that facilitate human trafficking, and investigate and prosecute human trafficking offenders. S.B. 1527 codifies legislative recommendations from the Texas Human Trafficking Prevention Task Force. S.B. 1527 consists of six substantive articles.

Article by Article Analysis:

Article 1. Human Trafficking Prevention Coordinating Council and Human Trafficking Prevention Task Force

S.B. 1527 amends Section 402.034 of the Government Code, changing the composition of the Human Trafficking Coordinating Council by adding a representative from both the Texas Education Agency (TEA) as well as the Texas Department of Transportation (TxDOT). Additionally, S.B. 1527 changes the composition of the Human Trafficking Prevention Task Force in amended Section 402.035, adding a representative from TxDOT as well as representatives of regional human trafficking task forces or coalitions. The task force must now examine the extent to which human trafficking is associated with massage establishments, as well as the workplace and public health concerns created by that association. TEA and TxDOT must also designate an individual authorized to coordinate the agencies' resources to prevent human trafficking and protect and assist human trafficking victims.

Article 2. Trafficking of Persons, Solicitation of Prostitution, and Compelling Prostitution

S.B. 1527 amends Sections 20A.01 and 20A.02 of the Penal Code (Trafficking of Persons) defining "disabled individual" and increasing the penalty for trafficking disabled individuals from a second degree felony to a first degree felony. The same increased penalty also now applies to using or exhibiting a deadly weapon during the commission of the offense or impeding the normal breathing or circulation of blood of a trafficked person by either applying pressure to the person's throat or neck or blocking the person's nose or mouth.

Amended Section 43.02 (Prostitution) provides that an offense is a felony of the second degree (rather than a state jail felony) if the person to whom the actor offers or agrees to pay the fee for the purpose of engaging in sexual conduct, rather than if the person with whom the actor agrees to engage in sexual conduct, is younger than 18, represented as younger than 18, or is believed to be younger than 18.

S.B. 1527 amends Section 43.05 of the Penal Code (Compelling Prostitution), providing that a person commits an offense if the person knowingly causes by any means a disabled individual to commit prostitution, regardless of whether the actor knows

the individual is disabled at the time of the offense. The statute of limitations is extended under Article 12.01 of the Code of Criminal Procedure (Felonies) requiring an indictment to be presented within ten years from the date the offense was discovered for trafficking of a disabled individual. Sex offenders with a reportable conviction or adjudication for compelling prostitution of a disabled individual have a duty to register with the sex offender registration program until the person dies under amended Section 62.101 of the Penal Code.

Article 3. Admissibility of Certain Hearsay Statements and Extraneous Offenses or Acts

S.B. 1527 amends Article 38.072 of the Code of Criminal Procedure (Hearsay Statement of Certain Abuse Victims) making it applicable to a proceeding in the prosecution of certain offenses committed against a child younger than 18, rather than 14, years of age or a person with a disability. The list of offenses is expanded to include compelling prostitution, trafficking, or continuous trafficking offenses committed against a child or disabled person. Article 38.37 (Evidence of Extraneous Offenses or Acts) is also amended incorporating the changes to trafficking and continuous trafficking offenses committed against a child or disabled person.

Article 4. Required Reporting Concerning Human Trafficking Cases

The bill amends Article 2.305 of the Code of Criminal Procedure expanding the data that must be included in a report to the attorney general regarding investigations which may involve human trafficking required of municipal police departments, sheriff's departments, or constable's offices.

Article 5. Driver's Licenses and Personal Identification Certificates Issued to Certain Sex Offenders

S.B. 1527 amends Article 42.016 of the Code of Criminal Procedure (Special Driver's License or Identification Requirements of Certain Sex Offenders), requiring courts to include in a report to the Department of Public Safety (DPS) that a person is subject to sex offender registration, an indication that the person was convicted of an offense involving human trafficking under Chapter

20A of the Penal Code. DPS, under amended Section 521.057 of the Transportation Code, is required to ensure that any driver's license record or personal identification certificate includes an indication that the person is subject to sex offender registration as a result of a trafficking conviction.

Article 6. Child Grooming and Possession of Child Pornography

S.B. 1527 adds Section 15.032 to the Penal Code (Child Grooming), creating the criminal offense of child grooming and making it punishable as a third degree felony or a second degree felony if the actor has previously been convicted of certain offenses.

Additionally, S.B. 1527 amends and increases the punishment for Section 43.26 of the Penal Code (Possession or Promotion of Child Pornography) based on factors including the number of visual depictions of a child possessed by the defendant, the visual medium of the depiction, and the intent of the actor to promote or possess with intent to promote the depiction, with the maximum penalty being a first degree felony.

S.B. 1717

Subject: Stalking

Effective: September 1, 2023

Stalking is a crime in which a person engages in a malicious pattern of intimidating behavior towards a victim. S.B. 1717 amends Section 42.072 of the Penal Code (Stalking), expanding the conduct that is considered stalking by including whether the actor engaged in conduct that caused the other person, a member of the other person's family or household, or an individual with whom the person had a dating relationship: to feel terrified or intimidated.

S.B. 1717 applies the reasonable-person standard narrowly to a reasonable person under similar circumstances as the victim. This similar circumstance language is incorporated into the elements of the stalking offense as well as Article 38.46 of the Code of Criminal Procedure (Evidence in Prosecutions for Stalking) to assist the trier of fact in determining whether the actor's conduct would cause a reasonable person, in circumstances similar to those of the alleged

victim, to experience a fear described by Section 42.072 of the Penal Code.

are not able to carry in chambers or proceedings. H.B. 2291 amends Section 46.15(a) of the Penal Code, allowing a retired judge or justice to carry a handgun if licensed to carry one.



Gun Laws

H.B. 1760

Subject: Possessing Weapons on School Property

Effective: September 1, 2023

H.B. 1760 addresses confusion related to carrying firearms on the premises of a school, which could currently be interpreted as any location where students are present. Effectively, this could lead to a citizen unknowingly committing a crime if they are carrying a firearm in a legal location and students show up as part of a school event. The bill amends Section 46.03 of the Penal Code (Places Weapons Prohibited) clarifying that a location is considered part of the school if the building or premises is owned by or under the control of the school or postsecondary educational institution.

H.B. 2291

Subject: Carrying or Possessing a Handgun by Certain Retired Judges

Effective: September 1, 2023

While active judges and justices are permitted to carry handguns in weapon-restricted areas including courthouses (if they are licensed to carry), they lose that privilege after retirement. With the backlog of cases resulting from the pandemic, retired judges have presided over cases. Though they are acting as the presiding judge in some cases, they are still classified as retired and

H.B. 2837

Subject: Prohibiting a Person or Entity from Tracking the Purchase of Firearms

Effective: September 1, 2023

In September 2022, the International Organization for Standardization, based in Switzerland, approved a new merchant category code for firearm and ammunition merchants. Currently, Texas firearm and ammunition purchases are listed as either sporting goods or miscellaneous items. The new code would change the coding of these purchases, allowing banks, payment card networks, acquirers, and other entities involved in payment card processing to identify and separately track payment card purchases at firearms retailers in Texas.

Titled the Second Amendment Financial Privacy Act, H.B. 2837 adds Chapter 610 to the Business & Commerce Code (Unauthorized Transaction Categorization) prohibiting the use of a merchant category code for a firearms retailer. Specifically, the bill prohibits assigning to a merchant or requiring a merchant to use a firearms code. It also prohibits a firearms retailer from providing a firearms code to a payment card issuer or payment card network for the purposes of the sale of firearms, ammunition for use in firearms, and firearms accessories. Retailers may only use or be assigned a merchant category code for general merchandise retailers or sporting goods retailers.

A person or entity that violates Chapter 610 and fails to cure the violation is liable for a civil penalty in the amount of \$10,000 for each violation, recoverable in an action brought by the attorney general.

H.B. 3137

Subject: Prohibited Local Regulation of Firearms and Air Guns

Effective: September 1, 2023

Section 229.001 of the Local Government Code prohibits municipalities from regulating firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories. H.B. 3137 amends Section 229.001 prohibiting a municipality from enforcing

such regulations and from requiring an owner of a firearm to obtain liability insurance coverage for damages resulting from negligent or willful acts involving the use of the firearm.

H.B. 4123

Subject: Access and Use of Certain Criminal History Record Information
Effective: June 13, 2023

There are new federal requirements regarding FBI criteria for the use of criminal background check information creating a more efficient hiring process or contracting process while ensuring the security of private information. The State of Texas, however, has not aligned state law with the FBI criteria to clarify an entity's attendant duties and responsibilities with respect to that information. H.B. 4123 updates and reorganizes, as applicable, the state's criminal background check requirements related to certain state certification, registration, guardianship, hiring, and licensing, including handgun licenses. This includes adding requirements related to destruction of criminal history record information.

S.B. 599

Subject: Carrying or Possessing a Handgun by a District or County Clerk
Effective: September 1, 2023

S.B. 599 amends Section 46.15 of the Penal Code adding district and county clerks to the list of individuals who can carry handguns in prohibited places like courthouses if they are licensed to carry. The bill also amends Section 411.201(h) of the Government Code adding district and county clerks to the list of judicial officers entitled to a handgun license.

Juvenile Justice and the Interests of Children

H.B. 3

Subject: Establishing School Safety and Accountability Measures
Effective: September 1, 2023

H.B. 3 seeks to provide schools in Texas with a new standard of emergency preparedness and response while also ensuring adequate state funding for school districts through the school

safety allotment to ensure that schools can be defended and new emergency operation standards can be implemented. The bill adds Section 37.1083 of the Education Code, which requires the Texas Education Agency (TEA) to establish an office of school safety and security. The director of the office is appointed by the governor.

H.B. 3 amends Section 7.061 of the Education Code, which requires the commissioner of education to adopt or amend rules as necessary to ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provide a secure and safe environment. The bill requires the commissioner to include the use of best practices for the design and construction of new facilities and the improvement, renovation, and retrofitting of existing facilities. Not later than September 1 of each even numbered year, the commissioner is required to review all such rules adopted or amended and amend the rules as necessary.

The bill adds or amends requirements in the Education Code regarding armed security officers, enrollment and records (disciplinary records and threat assessments), school safety or security technology, equipment, and consultants, monitoring by the TEA, noncompliance, facility standards, multi-hazard emergency operations plans, mental health training for school district employees, use of bonds to fund school safety compliance, school safety meetings, and primacy over other Education Code sections.

H.B. 114

Subject: Marijuana or E-Cigarettes on or near Public School Property
Effective: September 1, 2023

Current law requires that a student face mandatory placement in a disciplinary alternative education



program (DAEP) for being in possession of, using, being under the influence of, selling, giving, or delivering marijuana or tetrahydrocannabinol (THC) on or within 300 feet of school property or while attending a school-related activity on or off property. School district DAEPs are commonly at or over capacity with non-violent drug offenders. This often creates a situation where there is no space for violent offenders or problem students, which is a worst-case scenario for this type of at-risk youth.

H.B. 114 adds Section 37.006(a)(2)(C-2) of the Education Code, including the possession, use, sale, delivery, or giving of e-cigarettes on or within 300 feet of school property or while attending a school-related activity on or off property on the list of conduct carrying mandatory placement in a DAEP.

H.B. 114 also adds Section 37.009 of the Education Code, which allows a student that engaged in prohibited conduct relating to marijuana, THC, or e-cigarettes to be placed in in-school suspension if the DAEP is at capacity until a position becomes available in the DAEP. Additionally, H.B. 114 specifies that when a DAEP is at capacity, a student requiring mandatory placement due to violent conduct may displace a student who has been placed there due to marijuana, THC, or e-cigarettes and the non-violent student can be placed in in-school suspension.

H.B. 473

Subject: Parental Notice of Threat Assessment of a Student

Effective: June 13, 2023

In 2019, the 86th Legislature created safe and supportive school teams and threat assessments in school districts across Texas. Safe and supportive school teams are multi-tiered support systems that review threat reports, conduct threat assessments, and develop interventions to support students who pose such threats at school. Threat assessments include assessing and reporting individuals who threaten or exhibit threatening behavior, gathering and analyzing data to determine the risk and appropriate intervention procedures, and referring individuals to local mental health care providers for evaluation or treatment.

Currently, parents are notified when a student is identified as being at-risk for suicide, when trauma-informed care is administered to a student, and when safety and security audits are conducted by the school district. However, there is no requirement for parental involvement in the threat assessment process other than providing consent for the student to receive such mental health services.

H.B. 473 amends Section 37.115 of the Education Code, mandating that parents be notified when a threat assessment team has plans to assess the child. It does not mandate that parents be involved, but rather that schools give parents the opportunity to be involved in the process. After the assessment is completed, the team must share its findings and conclusions with the parent.

H.B. 1212

Subject: Revising Requirements for Excusing Certain Student Absences

Effective: June 2, 2023

H.B. 1212 amends Section 25.087 of the Education Code prohibiting a school district from requiring a note from a clergy member or other religious leader to excuse a student absence related to the observance of a religious holy day under Subsection 25.087 (b)(1)(A). The school district is required to accept a note from the student's parent or person standing in parental relation verifying the purpose of the student's absence. Application of the bill begins with the 2023-24 school year.

TMCEC: There are no additional requirements for a school or district to develop a new process to accept a parent note for a religious holy day, as parent notes are already accepted for other absences such as illness or health-related and other appointments.

H.B. 1819

Subject: Repeal of Municipal Authority to Adopt or Enforce Juvenile Curfews

Effective: September 1, 2023

Research indicates that juvenile curfew ordinances are an ineffective way to reduce crime and often lead to negative outcomes for youth in school and future interactions with the justice system. H.B. 1819 seeks to ensure that all young Texans have opportunities to succeed without the burden

of a criminal record early in life by eliminating the authority of political subdivisions to adopt or enforce juvenile curfews.

H.B. 1819 adds Section 370.007 of the Local Government Code prohibiting a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age. Section 370.007 does not apply to curfews implemented under Chapter 418 of the Government Code (Emergency Management). H.B. 1819 removes references to juvenile curfew ordinances from Articles 45.045 and 45.060 of the Code of Criminal Procedure, Section 51.02 of the Family Code, Sections 38.003 and 71.0352 of the Government Code, and Section 8.07 of the Penal Code. H.B. 1819 repeals Article 45.059 of the Code of Criminal Procedure and Sections 341.905, 351.903, and 370.002 of the Local Government Code.

Violations of juvenile curfew ordinances may not be prosecuted or adjudicated after the effective date. If a criminal action is pending for a violation of a juvenile curfew ordinance, the action is dismissed on the effective date. Final convictions or adjudications that exist on the effective date are unaffected by H.B. 1819.

H.B. 3186

Texas Youth Diversion and Early Intervention Act

Effective: January 1, 2024

TMCEC: Tragic events like the one in Uvalde have increased awareness about the importance of identifying and responding to at-risk youth and those with mental illness. Experts believe that early identification and intervention involving gateway offenses is crucial in reducing recidivism, system involvement, costs, and in helping youth access necessary services.

In 2019, the Texas Judicial Council began working with justice and municipal court representatives, juvenile prosecutors, and juvenile defense attorneys to propose statutory changes. The proposed changes were devised by the Texas Judicial Council's Youth Diversion Workgroup and recommended by the Texas Judicial Council's Criminal Justice Committee in 2022 to the legislature. The changes aim to help identify at-

risk youth and those living with mental illness and keep them from spiraling deeper into the criminal justice system while also holding them accountable for their actions.

The Texas juvenile justice system consists of distinct civil and criminal components. Civil adjudication entails juvenile probation and juvenile courts and is governed by the Family Code. Criminal adjudication, which is governed by the Code of Criminal Procedure, involves a relatively small number of teenagers accused of felonies who are certified to stand trial as adults in district courts. In municipal and justice courts, criminal adjudication mostly involves children (ages 10-16) accused of non-traffic Class C misdemeanors.

Texas law authorizes most Class C misdemeanors to be civilly adjudicated as conduct indicating a need for supervision (CINS) (See Section 51.03 of the Family Code). Prior to 1987, CINS was the exclusive method for handling such cases. Since then, the number of CINS cases has dwindled. Because juvenile probation and juvenile courts are unable to accommodate the volume of such cases, few cases are handled as CINS. Annually, 30,000-50,000 juvenile justice cases that could be civilly adjudicated as CINS are criminally adjudicated as Class C misdemeanors. With limited financial resources and public recognition for the important role they play in the juvenile justice system, municipal and justice courts have become the first line of responders in most cases involving the misconduct of children. For nearly two decades, the judiciary has worked with the legislature to improve how cases involving youth are handled in municipal and justice courts and ensure that rights are protected and disparities are addressed. Critics claim that disparities in how CINS and Class C misdemeanors are handled make the juvenile justice system unfair. When civilly adjudicated, Texas law provides for the possibility of statutory diversion prior to court. However, under current law, when criminally adjudicated in municipal and justice courts, there is no similar statutory authorization.

H.B. 3186 increases opportunities for early identification of at-risk youth and for redirecting children accused of certain "gateway" Class C misdemeanors. Currently, municipal and justice

courts can only order diversion strategies after a case has resulted in a conviction or deferral of disposition. H.B. 3186 makes these strategies available at the front end of a case where they can be more effective. This aligns municipal and justice court practices with those used by juvenile probation and juvenile courts. The bill also recalibrates and expands opportunities for collaboration and financial resources in both rural and urban parts of Texas. H.B. 3186 requires the adoption of a youth diversion plan for every municipal and justice court no later than January 1, 2025.

Note: Throughout this bill summary, unless specified otherwise, all references to new and amended articles in Chapter 45 are references to the Code of Criminal Procedure.

Section by Section Analysis:

Section 1. Citation

H.B. 3186 may be cited as the Texas Youth Diversion and Early Intervention Act.

Section 2. Subchapter E. Youth Diversion

Rather than reinventing the processes known to work in municipal and justice courts, H.B. 3186 provides for youth diversion in municipal and justice courts by supplementation, specifically, adding a new subchapter (Subchapter E) to Chapter 45 of the Code of Criminal Procedure.

According to the bill's legislative history, Subchapter E should be construed to accomplish the following objectives:

1. Reduce recidivism and the occurrence of problem behaviors through intervention without having to criminally adjudicate children in justice and municipal courts.
2. Identify at-risk youth, including youth with mental health needs, substance use disorders, or intellectual and developmental disabilities and, where appropriate, make referral to early youth and intervention services under Subchapter D, Chapter 264 of the Family Code.
3. Authorize diversions of children charged with certain offenses punishable by imposition of a fine from criminal adjudication that emphasize accountability and responsibility of the parent and the

child for the child's conduct while also promoting community safety.

4. Increase collaboration between governmental, educational, and non-profit organizations in devising local and regional diversion strategies in rural and urban counties and municipalities.

A. Definitions. Article 45.301 contains definitions of terms that are used throughout Subchapter E. "Charge" means a formal or informal allegation of an offense, including a citation, written promise to appear, complaint, or pending complaint. "Court" means a justice court, municipal court or other court governed by Chapter 45 of the Code of Criminal Procedure. "Diversion" means an intervention strategy that redirects a child from formal criminal prosecution and holds the child accountable for the child's actions. "Service provider" means a governmental agency, political subdivision (local governments, including a school district), open-enrollment charter school, nonprofit organization, or other entity that provides services to children or families. Other terms defined include "offense," "parent," and "youth diversion plan."

B. Applicability. Article 45.302 limits the application of Subchapter E to a child alleged to have engaged in conduct that constitutes a misdemeanor punishable by fine only, other than a traffic offense.

Note: "Offense" means a misdemeanor punishable by a fine other than a traffic offense. "Traffic offense" is defined in Section 51.02(16) of the Family Code, which parallels Sections 8.07(2) and (3) of the Penal Code (Age Affecting Criminal Responsibility).

C. Transfer to Juvenile Court Not Affected. Article 45.303 states that nothing in Subchapter E precludes a case from being referred, adjudicated, or disposed of as CINS under Title 3 of the Family Code or precludes a permissive or mandatory waiver of criminal jurisdiction and transfer from a municipal or justice court per Section 51.08 of the Family Code.

D. Diversion Eligibility. Current law contains neither a mandate for diversion nor uniform criteria for determining eligibility. Article 45.304 requires a child to be diverted from formal criminal prosecution as provided by Subchapter E with the

following exceptions: (1) a child is eligible to enter into a diversion agreement under this subchapter only once every 365 days; (2) a child is not eligible for diversion if the child has previously had an unsuccessful diversion under Subchapter E; (3) a child is not eligible for diversion if a diversion is objected to by the prosecutor; and (4) a court may not divert a child from criminal prosecution without the written consent of the child and the child's parent.

E. Diversion Strategies. Current law does not provide an inventory of diversion strategies that may be used by municipal and justice courts. Article 45.305 provides a robust non-exhaustive itemization of strategies that may be adopted. Diversion strategies include: (1) requiring a child to participate in a court-approved teen court program operated by a service provider; a school-related program; an educational program, including an alcohol awareness program, a tobacco awareness program, or a drug education program; a rehabilitation program; or a self-improvement program, including a program relating to self-esteem, leadership, self-responsibility, empathy, parenting, parental responsibility, manners, violence avoidance, anger management, life skills, wellness, or dispute resolution; (2) referring a child to a service provider for services, including at-risk youth services; juvenile case manager services; work and job skills training, including job interviewing and work preparation; academic monitoring or tutoring, including preparation for a high school equivalency examination; community-based services; mental health screening and clinical assessment; counseling, including private or in-school counseling; or mentoring services; (3) requiring a child to participate in mediation or other dispute resolution processes; submit to alcohol or drug testing; or substantially comply with a course of treatment prescribed by a physician or other licensed medical or mental health professional; and (4) requiring a child, by court order, to pay restitution not to exceed \$100 for an offense against property; perform not more than 20 hours of community service; or perform any other reasonable action determined by the court.

A diversion strategy may be imposed in connection with (1) an intermediate diversion

under Article 45.309, (2) a diversion by a justice or judge under Article 45.310, or (3) a system of graduated sanctions for certain school offenses under Section 37.144 of the Education Code. A diversion strategy may not, however, be used to require a child who is a home-schooled student to attend an elementary or secondary school or to use an educational curriculum other than the curriculum selected by the parent.

Note: Many, but not all, of the diversion strategies in Article 45.305 look familiar. A lot of them are conditions or requirements authorized as a part of a deferred disposition or elsewhere in existing law. H.B. 3186 does not change these laws, but rather allows the possibility for teen court, juvenile case management, or other strategies to be used prior to court without a criminal adjudication.

F. Youth Diversion Plan. Article 45.306 states that a youth diversion plan is a written plan that describes the types of strategies that will be used to implement youth diversion. A youth diversion plan does not limit the types of diversion strategies that are authorized to be imposed in a diversion agreement under Article 45.308 (Diversion Agreement).

Article 45.306 requires each justice and municipal court to adopt a youth diversion plan. However, it also allows a youth diversion plan to be devised for a county or municipality or an individual court within a county or municipality.

To promote collaboration and the leveraging of resources, Article 45.306(d) authorizes local governments to enter into an agreement to create a regional youth diversion plan and collaborate in the implementation of Subchapter E per Chapter 791 of the Government Code (Interlocal Cooperation Contracts). Similarly, because local governments may not have adequate staffing resources, a youth diversion plan may include an agreement with a service provider to provide services for a diversion strategy.

May law enforcement be incorporated into a youth diversion plan? Yes, it is a possibility. H.B. 3186 provides maximum flexibility for local governments throughout Texas in devising a youth diversion plan in light of available resources and circumstances. Subchapter E is court focused. It primarily supplements processes and procedures

pertaining to children that are already familiar to municipal and justice courts. It does not change procedures prescribed for law enforcement. Article 45.306(f), however, states that a youth diversion plan may contain guidelines for disposition or diversion of a child's case by law enforcement, but the guidelines are not mandatory.

Be ready for public inspection requests. Article 45.306(g) requires that a current youth diversion plan be maintained on file for public inspection in each justice and municipal court, including courts that collaborate with one or more counties or municipalities.

Because successful implementation of Subchapter E will require more than simply adopting a youth diversion plan, Article 45.306(h) authorizes a court or local government to adopt rules necessary to coordinate services under a youth diversion plan or to implement the subchapter.

G. Youth Diversion Coordinator. Who will be designated youth diversion coordinator in your local municipal or justice court? Article 45.307 authorizes a court to designate a youth diversion coordinator who assists the court in: (1) determining whether a child is eligible for diversion; (2) employing a diversion strategy authorized by Subchapter E; (3) presenting and maintaining diversion agreements; (4) monitoring diversions; (5) maintaining records regarding whether one or more diversions were successful or unsuccessful; and (6) coordinating referrals to court.

The responsibilities of the youth diversion coordinator may be performed by: (1) a court administrator or court clerk, or a person who regularly performs the duties of court administrator or court clerk; (2) an individual or entity that provides juvenile case manager services under Article 45.056; (3) a court-related services office; (4) a community supervision and corrections department, including a juvenile probation department; (5) a county or municipal employee, including a peace officer; (6) a community volunteer; (7) an institution of higher education, including a public, private, or independent institution of higher education; or (8) a qualified nonprofit organization as determined by the court.

H. Diversion Agreement. A diversion agreement is a legally binding contract. Article 45.308 requires

a diversion agreement to identify the parties to the agreement and the responsibilities of the child and the child's parent to ensure their meaningful participation in a diversion under Article 45.309 (Intermediate Diversion) or Article 45.310 (Diversion by Justice or Judge). Objectives in a diversion agreement must be measurable, realistic, and reasonable and consider the circumstances of the child, the best interests of the child, and the long-term safety of the community.

A diversion agreement has seven statutory requirements: (1) the terms of the agreement, including one or more diversions required to be completed by the child, written in a clear and concise manner and identifying any offense or charge being diverted; (2) possible outcomes or consequences of a successful diversion and an unsuccessful diversion; (3) an explanation that participation in a diversion is not an admission of guilt and a guilty plea is not required to participate in a diversion; (4) an explanation of the process that will be used for reviewing and monitoring compliance with the terms of the agreement; (5) the period of the diversion; (6) verifications that the child and the child's parent were notified of the child's rights, including the right to refuse diversion, and that the child knowingly and voluntarily consents to participate in the diversion; and (7) written acknowledgment and acceptance of the agreement by the child and the child's parent.

Diversion agreements are not one-size-fits-all. They are intended to be customized. Article 45.308(d) states that the terms of a diversion agreement may vary depending on the circumstances of the child, including the child's age and ability, the charge being diverted, or the diversion strategy used.

In addition to being a contract, there are other significant legal implications associated with a diversion agreement as it pertains to the initial criminal allegation. Under Article 45.308(e), a charge is prohibited from being filed against a child or, if filed, is required to be dismissed by the court if the child (1) does not contest the charge, (2) is eligible for diversion under Article 45.304, and (3) accepts the terms of the agreement. However, entering into a diversion agreement under Article 45.308 extends the court's jurisdiction for the term of the agreement.

On entering into a diversion agreement, Article 45.308(g) requires the clerk of the court, a youth diversion coordinator, or a person specified by the youth diversion plan to provide a copy of the agreement to the child and the child's parent.

I. Intermediate Diversion vs. Diversion by a Justice or Judge. To avoid a one-size-fits-all approach, Subchapter E provides courts great latitude to tailor their diversion plans to meet the varying needs of both rural and urban cities and counties. This focus on flexibility is reflected in the difference between two distinct statutory frameworks: intermediate diversion and diversion by a justice or judge.

Intermediate diversion under Article 45.309 is only authorized if specified in a youth diversion plan under Article 45.306. It requires a youth diversion coordinator or juvenile case manager to advise the child and the child's parent before a case is filed that the case may be diverted for a reasonable period not to exceed 180 days if: (1) the child is eligible for diversion under Article 45.304; (2) diversion is in the best interests of the child and promotes the long-term safety of the community; (3) the child and the child's parent consent to diversion with the knowledge that diversion is optional; and (4) the child and the child's parent are informed that they are authorized to terminate the diversion at any time and, if terminated, the case will be referred to court. The terms of an intermediate diversion must be in writing and may include any of the diversion strategies under Article 45.305. The case of a child who successfully complies with the terms of a diversion agreement under Article 45.309 shall be closed and reported as successful to the court. A child who does not comply with the terms of a diversion agreement under Article 45.309 shall be referred to court under Article 45.311.

For a diversion by a justice or judge under Article 45.310, if a charge involving a child who is eligible for diversion is filed with a court, a justice or judge shall divert the case in one of two ways: (1) if the child does not contest the charge, a justice or judge is required to divert the case without the child having to enter a plea; or (2) if the child contests the charge, a justice or judge is required to divert the case at the conclusion of trial on a finding of guilt without entering a judgment of conviction as provided by Article 45.041 (Judgment). A

diversion by a justice or judge may not exceed 180 days. The terms of a diversion agreement under Article 45.310 are required to be in writing and may include any of the diversion strategies described by Article 45.305. The case of a child who successfully complies with the terms of a diversion agreement under Article 45.310 shall be closed and reported as successful to the court. A child who does not comply with the terms of the diversion agreement under Article 45.310 shall be referred to court for a hearing under Article 45.311.

Note: As reflected in Article 45.310, a legislative preference for youth diversion should not be construed by judges and court personnel as diminishing a child's right to trial. At the same time, it is important to stress that invoking the right to trial does not alleviate a judge's statutory obligation to divert at the conclusion of trial on a finding of guilt without entering a judgment of conviction.

J. Referral to Court. Article 45.311 requires a court to conduct a non-adversarial hearing for a child who does not successfully complete the terms of either an intermediate diversion under Article 45.309 or a diversion by a justice or judge under Article 45.310 and is referred to the court. The hearing is an opportunity for a justice or judge to confer with the child and the child's parent to determine whether a diversion should be declared unsuccessful by the court. The court may also hear from any person who may be of assistance to the child or the court in determining what is in the best interests of the child and the long-term safety of the community.

After a hearing, per Article 45.311(c), a court may enter an order: (1) amending or setting aside terms in the diversion agreement; (2) extending the diversion for a period not to exceed one year from the initial start date of the diversion; (3) issuing a continuance for the hearing for a period not to exceed 60 days to allow an opportunity for compliance with the terms of the diversion; (4) requiring the child's parent to perform any act or refrain from performing any act as the court determines will increase the likelihood the child will successfully complete the diversion and comply with any other order of the court that is reasonable and necessary for the welfare of the

child; (5) finding the diversion successful on the basis of substantial compliance; or (6) finding the diversion unsuccessful and either transferring the child to juvenile court for alleged CINS under Section 51.08 of the Family Code (Transfer From Criminal Court) or referring the charge to the prosecutor for consideration of re-filing. The statute of limitations in Article 12.02(b) of the Code of Criminal Procedure is tolled during the diversion period. This means that from the start date to the end date of a diversion agreement, the statute of limitations clock does not run, making it possible for a case to be filed in municipal court more than two years from the offense date.

Note: There is an important caveat regarding orders affecting parents. Under Article 45.311(e), orders against parents are enforceable by contempt. However, Article 45.311(d) prohibits such orders from having the substantive effect of interfering with a parent's fundamental right to determine how to raise the parent's child, unless the court finds that the interference is necessary to prevent significant impairment of the child's physical, mental, or emotional health.

K. Local Youth Diversion Administrative Fee (LYDAF). Article 45.312 authorizes the clerk of a court to collect from a child's parent a \$50 administrative fee to defray the costs of the diversion of the child's case. The LYDAF may not be collected unless specified as a term of the diversion agreement accepted by the child's parent. However, if the fee is not paid after giving the parent an opportunity to be heard, the court shall order the parent, if financially able, to pay the fee to the clerk. An order to pay is enforceable by contempt. However, if the parent is indigent or does not have sufficient resources or income to pay, a court shall waive the fee. A court may adopt rules for LYDAF financial hardship waivers.

There are two additional important requirements in Article 45.312 relating to the LYDAF. First, the clerk of the court is required to keep a record of fees collected and shall forward the funds to the local government treasurer or person fulfilling the role of treasurer. Second, the fee shall be deposited in a special account that can be used only to offset the cost of the operations of youth diversion programs under Subchapter E.

Article 45.312 also contains two important prohibitions. Except for the LYDAF, no additional fee may be assessed for a child diverted under Subchapter E. The diversion of a child may not be contingent on payment of the LYDAF.

Note: The LYDAF is different than most fees collected in municipal and justice courts typically associated with children accused of Class C misdemeanors. Its collection is not triggered by a judgment/conviction or a deferred disposition. There is no state mandate to collect the LYDAF. Rather, state law authorizes its collection. And it is not collected from the child-defendant, but rather the child's parent, subject to the terms of the youth diversion agreement. (In contrast, parents are under no legal obligation to pay any cost assessed against a child in a criminal adjudication.) While 90% of state court costs in criminal cases are remitted to the state, the LYDAF, which is not a state criminal court cost, is 100% locally retained and can only be used to offset the cost of the operations of youth diversion programs under Subchapter E. Article 45.312 implicitly states that the LYDAF may not be collected without complying with the requirements of Subchapter E.

L. Diversion Records. Article 45.313 requires justice and municipal courts to maintain statistics for each diversion strategy authorized by Subchapter E. Such data can be used by courts and local governments for planning and gauging diversion efforts. However, all records generated under Subchapter E, other than statistical records, are confidential under Article 45.0217 (Confidential Records Relating to Charges Against or Conviction of a Child). All youth diversion records of a child under Subchapter E are required to be expunged, without a motion or request, on the child's 18th birthday.

Sections 3-8. Other Changes to Chapter 45 of the Code of Criminal Procedure

The addition of Subchapter E (Youth Diversion) to Chapter 45 of the Code of Criminal Procedure required making conforming amendments in other Subchapters of Chapter 45. Some of these changes are substantive.

A. Plea by Minor and Appearance by Parent. Article 45.0215(a) is amended to reflect that the provisions in present law pertaining to a plea by a

minor and the appearance of a parent must be read in conjunction with the general statutory directive in Subchapter E to divert children.

B. Judgment. H.B. 3186 amends Article 45.041 adding Subsection (a-2) and amending Subsection (b-3).

Youth diversion does not negate the right to trial. Subsection 45.041(a-2) provides that if a child who is eligible for diversion under Article 45.304 goes to trial, and if the court determines that the evidence presented in a bench trial would support a finding of guilt, or if a jury returns a verdict of guilty, the court must provide the child and the child's parents the opportunity for diversion per Article 45.310 (Diversion by Justice or Judge). If the child and the child's parent decline the diversion, the court shall find the child guilty and proceed to sentencing.

If a diversion is not required under Subchapter E, who chooses how a child defendant shall discharge the judgment? Subsection 45.041(b-3), as amended, states that if a diversion is not required under Subchapter E or Subsection (a-2), a judge must allow a defendant who is a child to elect at the time of conviction to discharge the fine and costs either by: (1) performing community service or receiving tutoring under Article 45.049 (Community Service in Satisfaction of Fine or Costs) or (2) pay the fine and costs per Article 45.041(b). Under current law, a judge may, but is not required to, allow a child to make such an election.

Note: While H.B. 3186 excludes traffic offenses from the scope of statutory diversion under Subchapter E, no such exclusion exists for the amendment to Article 45.041(b-3). Accordingly, even children convicted of traffic offenses must be allowed to elect how they will discharge the judgment. These elections under Article 45.041(b-3) should be carefully documented by courts. It is also important to remember that a defendant may discharge the obligation to perform community service at any time by paying the fine and costs assessed.

C. Community Service. Article 45.049(f) specifies the circumstances when certain government actors are not liable for damages arising from community service. H.B. 3186 extends such

protections to community service performed as part of a diversion under Subchapter E. Because it is anticipated that juvenile probation departments will take on an increased role under Subchapter E in some jurisdictions, H.B. 3186 amends Article 45.049(l) to include local juvenile probation departments among the entities authorized to supervise community service.

D. Sections 6-8. Juvenile Case Management

In 2018, the Texas Judicial Council's Juvenile Justice Committee recommended that the legislature amend the law to clarify and expand the use of juvenile case managers in Texas.

Article 45.056 authorizes local governments to employ a juvenile case manager to assist in administering cases involving children. As conceptualized by University of Texas Law Professor Robert O. Dawson, juvenile case managers generally operate as several positions rolled into one: an innovative problem-solver that is part court clerk, part probation officer, and part social worker.

In 2011, the legislature's commentary to S.B. 61 stated that although their roles vary, juvenile case managers are intended to serve as problem solvers by fostering interaction between youth and judges, integrating social services into the disciplinary process, and cooperating with children, parents, schools, and courts to best serve the interests of children and the community. The commentary also stated that despite the increased use of juvenile case managers since first authorized in 2001 and the creation of the juvenile case manager fund in 2005, the legislative intent behind the creation of this unique position remains largely unrealized.

Although the exact number of juvenile case managers is unknown, in 2018 it was estimated that there were only 170 juvenile case managers throughout Texas. Most juvenile case managers operate in or near urban and suburban areas, leaving rural areas underserved. Although Article 45.056 has long authorized shared employment of juvenile case managers, there is little evidence to show that rural areas use case managers on a regional basis. Some courts and local governments cannot afford to hire a juvenile case manager and others do not have enough juvenile case filings to warrant hiring a juvenile case manager. Consequently, under

current law, only local governments that can afford to hire a juvenile case manager have one.

H.B. 3186 aims to increase the juvenile case manager services throughout Texas by encouraging collaboration between governmental, educational, and non-profit organizations in devising local and regional diversion strategies in rural and urban counties and municipalities.

It does this in multiple ways:

- Article 45.056(a)(1) is expanded to authorize contracting (and joint contracting) for juvenile case manager services to comply with the requirements of youth diversion under Subchapter E.
- Article 45.056(b) is expanded to allow local entities to jointly apply to the Criminal Justice Division of the Office of the Governor for reimbursement of all or part of the costs of employing one or more juvenile case managers or contracting for juvenile case manager services for purposes of youth diversion. To be eligible for reimbursement, an application must be presented to the governor's office with a comprehensive plan to reduce juvenile crimes and a youth diversion plan under Article 45.306 that addresses the role of the juvenile case manager in youth diversion efforts.
- Article 45.056(c) is amended to provide that an entity that jointly employs a juvenile case manager, jointly contracts for juvenile case manager services, or jointly contributes to the costs of a juvenile case manager or juvenile case manager services under Subsection (a)(3) "employs" a juvenile case manager for purposes of Chapter 102 of the Code of Criminal Procedure (Costs, Fees, and Fines Paid by Defendants) and Chapter 102 of the Government Code.
- Article 45.056(d) is expanded to authorize a court or governing body to pay the costs of contracting for juvenile case manager services under the renamed Local Youth Diversion Fund (currently Local Truancy Prevention and Diversion Fund in Section 134.156 of the Local Government Code).
- Article 45.056(e), as amended and reenacted, states that a juvenile case manager, rather

than a juvenile case manager "employed under Subsection (c)," shall give priority to cases brought under Section 25.093 of the Education Code (Parent Contributing to Nonattendance), Truancy Court Proceedings (Chapter 65 of the Family Code), and youth diversion under Subchapter E.

- Article 45.056(g), as amended, requires a court, rather than an "employing" court, to implement the rules adopted under Subsection (f) (which requires a governing body to adopt reasonable rules for juvenile case managers).
- Article 45.056(h), as amended, requires the commissioners court or governing body of the municipality that administers a local youth diversion fund, rather than a local truancy prevention and diversion fund, under Section 134.156 of the Local Government Code to require periodic review of juvenile case managers to ensure the implementation of the rules adopted under Subsection (f).

Note: Changes made to the Code of Criminal Procedure, Local Government Code, and Government Code reflect a shift toward youth diversion with a focus that includes, but is broader than, truancy prevention. As further discussed below, changes made to Article 45.056(b) not only increase the scope of costs the governor's office can reimburse to include those related to juvenile case management, but also increase the number of municipal and county governments who may apply individually or jointly for reimbursement funding. This could prove to be a much-needed boon for rural Texas counties and cities that have historically been ineligible for reimbursement because Article 45.056 only contemplated reimbursement for cities and counties that employed juvenile case managers.

Sections 9-11, 14, 15, 16-18. Other New Potential Youth Diversion Funding Sources and Related Issues

In addition to the Local Youth Diversion Administrative Fee (LYDAF) in Article 45.312 and broader eligibility for reimbursement under Article 45.056(b) described above, H.B. 3186 recalibrates, expands, and adds to existing funding sources for the purposes of youth diversion under Subchapter E.

A. Child Safety Fund. Under current Article 102.014 of the Code of Criminal Procedure, monies collected for the Child Safety Fund are used by municipalities and counties to pay for school crossing guard programs. If a municipality does not operate a school crossing guard program or if the money received from fines from municipal court cases exceeds the amount necessary to fund the school crossing guard program, a municipality may expend the additional money for programs designed to enhance child safety. Similar provisions exist for counties where money is similarly collected in justice, county, and district courts. As amended, youth diversion is added to the list of ways a municipality or county may expend additional child safety funds.

B. Juvenile Delinquency Prevention Funds. In 2015, graffiti (Section 28.08 of the Penal Code) became a Class C misdemeanor when the pecuniary loss in property damage is less than \$100. However, Article 102.0171 of the Code of Criminal Procedure (Juvenile Delinquency Prevention Funds) was never amended to allow municipal or justice courts to collect the \$50 per conviction fine authorized for other trial courts. As amended, municipal and justice courts are added to the trial courts authorized by Article 102.0171(a) to collect this \$50 per conviction fine for graffiti and deposit it in a municipal juvenile delinquency prevention fund. Funding for youth diversion under Subchapter E is added to the list of potential uses for money in this fund.

C. State and Local Youth Diversion Funds. One way the costs of implementing Subchapter E will be defrayed is by renaming and expanding the use of state and local funds currently earmarked for truancy prevention and diversion. Both state and local funds are renamed. As amended, Section 133.125 of the Local Government Code provides that money in the state general revenue fund shall be appropriated from the legislature to the governor's office for purposes of distribution to local government entities for purposes of youth diversion. (See previous discussion of Article 45.056 of the Code of Criminal Procedure.)

Since 2019, state law has required local governments to collect a consolidated fee on conviction of nonjailable misdemeanors (Section 134.103 of the Local Government Code). The

local consolidated fee is \$14, and 35.7143% (\$5) is presently allocated to the Local Truancy Prevention and Diversion Fund. Under current law, these funds can only be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056 of the Code of Criminal Procedure. As previously described, under the amended and renamed Local Youth Diversion Fund, the term "employed" is expanded to include joint contracting for juvenile case manager services and joint contributing to the costs of a juvenile case manager or juvenile case manager services for the purposes of Section 134.156 of the Local Government Code.

But what if a local government does not need or want juvenile case management as part of its youth diversion plan? For more than four years, local governments have been required to collect \$5 per case per conviction in all Class C misdemeanors. Many municipal and justice courts, particularly in rural Texas, presently have no way to spend money in the Local Truancy Prevention and Diversion fund because of current limitations in Section 134.156 of the Local Government Code. H.B. 3186 helps remedy this bottleneck by adding Subsection 134.156(a-1) to the Local Government Code, which authorizes the governing body of a county or municipality that does not employ or contract with a juvenile case manager, in consultation with a court, to direct money in the Local Youth Diversion Fund to support local mental health authorities, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile referrals to court.

Note: By amending Article 45.056 and Section 134.156 of the Local Government Code, the legislature clearly intends to expand the use of juvenile case managers by making juvenile case management not just a job, but a service that can be contracted on an as-needed basis or that can be shared between courts in municipalities and counties. Thankfully, local governments without juvenile case management services will now be able to use the Local Youth Diversion Fund to support a local mental health authority and other

programs and projects designed to prevent or reduce the number of juvenile referrals to court.

Section 12. Early Youth Intervention Services

Under current law, Section 264.302(e) of the Family Code (Early Youth Intervention Services) requires the Department of Family and Protective Services (DFPS) to provide services for a child and the child's family if a contract to provide services under that section is available in the county and the child is referred to DFPS as an at-risk child by: (1) a juvenile court or probation department as part of progressive sanctions, (2) a law enforcement officer or agency under Section 52.03 of the Family Code (Disposition Without Referral to Court), or (3) a municipal or justice court under Article 45.057 of the Code of Criminal Procedure (Offenses Committed by Juveniles).

H.B. 3186 amends Section 264.302(e)(3) by adding referrals of children and parents as part of an intermediate diversion under Article 45.309 or a diversion by a justice or judge under Article 45.310.

Note: Increasingly, public welfare depends on municipal and justice courts understanding their role in referring children and their families to early youth intervention services. Under H.B. 3186, for interventions to occur, courts must act. This requires developing a working knowledge of local service providers and opening channels of communication.

Section 13. Judicial Instruction Related to Certain Alleged Child Offenders

Under current law, Section 22.1105(a) of the Government Code requires judges, including municipal judges and justices of the peace, to complete a course of instruction relating to understanding relevant issues of child welfare and the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq.) every judicial academic year that ends in a 0 or a 5.

H.B. 3186 amends Section 22.1105(a) to change the required course to one with instruction related to youth diversion and understanding relevant issues of child welfare, including issues related to mental health and children with disabilities, every judicial academic year that ends in a 0 or a 5.

Sections 19-21. Implementation and Effective Dates

H.B. 3186 takes effect January 1, 2024. Each justice

and municipal court is required to implement a youth diversion plan under Subchapter E not later than January 1, 2025.

Changes made by H.B. 3186 apply to an offense committed on or after January 1, 2025. An offense committed before January 1, 2025, is governed by the law in effect on the date the offense was committed. Former law is continued in effect for that purpose. To determine application, an offense was committed before January 1, 2025, if any element of the offense occurred before that date.

H.B. 3917

Subject: Parent Contributing to Nonattendance Dismissal Procedure
Effective: September 1, 2023

Concerns exist regarding the lack of enforcement and accountability with school attendance laws. H.B. 3917 provides a creative alternative to assist school districts in holding a parent accountable for not following the compulsory attendance law.

H.B. 3917 amends Article 45.0531 of the Code of Criminal Procedure and adds Section 25.094 of the Education Code permitting dismissal of a Parent Contributing to Nonattendance complaint if the parent completes the terms of an agreement under Section 25.094 not later than 30 days after the date the complaint was filed or within the period provided within the agreement. The agreement between the school district and the parent may require the parent to attend counseling, trainings, programs, or other services designated by the school district. School districts are not required to offer any such program but may elect to provide this alternative rather than solely relying on prosecution in a municipal court. However, if a parent completes the terms of an agreement between the parent and school district, the court shall dismiss the complaint. If the school district agrees, the court may extend the period of the agreement.

This dismissal procedure only applies to offenses committed on or after September 1, 2023. It will not impact students or truant conduct laws.

S.B. 24

Subject: Services for At-Risk Youth
Effective: September 1, 2023

Current programs that offer services during

pregnancy and early childhood are siloed within various state agencies and could be better coordinated to provide support to women and families to ensure needed services are provided without trapping them in the cycle of poverty and over-reliance on government programs. Prevention and early intervention programs currently housed within the Department of Family and Protective Services (DFPS) can fill the void in a continuum-of-care for at-risk families in a variety of situations when coordinated alongside existing intervention services at the Health and Human Services Commission (HHSC).

S.B. 24, the Thriving Texas Families Act, amends the Family Code and the Human Resources Code to consolidate support programs including transferring the Prevention and Early Intervention division at DFPS to the Family Support Services division at HHSC.

The bill adds Chapter 54 of the Health and Safety Code requiring HHSC to establish the Thriving Texas Families Program as a continuation of the alternatives to abortion program to facilitate the operation of a statewide support network that provides community outreach, consultation, and care coordination for women with an unexpected pregnancy.

TMCEC: Currently, Article 45.056 of the Code of Criminal Procedure requires juvenile case managers to receive training in a laundry list of topics including services to at-risk youth under Subchapter D, Chapter 264 of the Family Code. S.B. 24, however, transfers Subchapter D to Chapter 137 of the Human Resources Code. Conforming changes are not made to Article 45.056 by S.B. 24.

S.B. 68

Subject: Excused Absences for Certain Students to Visit a Professional's Workplace for a Career Investigation Day
Effective: May 24, 2023

Current law authorizes school districts to excuse a maximum of two days of students' absences during their junior or senior year of high school to visit colleges or universities they are interested in attending. Acknowledging that many students' futures do not include attending college, S.B. 68 provides access to a broader range of career

opportunities for students to explore by authorizing a school district to adopt a similar attendance policy for students visiting a professional's workplace.

S.B. 68 amends Section 25.087 of the Education Code authorizing a school district to excuse a student from attending a school for a career investigation day to visit a professional's workplace during the student's junior and senior years of high school for the purpose of determining the student's interest in pursuing a career in the professional's field. This authorization is limited to no more than two days during the student's junior year and two days during the student's senior year and subject to the adoption of applicable policies and procedures.

S.B. 1725

Subject: Expunction of Minor Alcohol Arrests
Effective: September 1, 2023

Currently, Section 106.12(d) of the Alcoholic Beverage Code (Expunction of Conviction or Arrest Records of a Minor) permits the expunction of arrest records for a person placed under a custodial or noncustodial arrest for not more than one violation of the Alcoholic Beverage Code committed while they were a minor but not ultimately resulting in a conviction. A single encounter with law enforcement, however, often results in multiple violations charged. For example, a minor gets arrested for and charged with public intoxication, minor in possession of alcohol, and open container based on a single encounter or event. Even if the minor is not convicted of any of them, he or she would be barred from expunction because they were charged with more than one violation.

S.B. 1725 amends Section 106.12(d) allowing first-time minor offenders with multiple violations of the Alcoholic Beverage Code that occurred during a single "event" to have all the violations expunged. It also renames the "reimbursement fee" owed by an applicant for expunction under Section 106.12(e) to simply a "fee."

S.B. 1725 applies to the expunction of records for arrests made before, on, or after September 1, 2023.

TMCEC: S.B. 1725 marks the second substantive amendment to Section 106.12 in recent years. Prior to 2017, Section 106.12 only authorized the expunction of convictions under the Alcoholic

Beverage Code. In 2017, H.B. 2059 added Subsection (d), which authorized the expunction of arrest records with no ultimate conviction. It should be noted that S.B. 1725 only changes Subsection (d) relating to arrests and makes no substantive changes to Subsection (c) relating to convictions: if a minor is convicted of two or more Alcoholic Beverage Code offenses that all occurred during a single event, the minor would be barred from expunction under Section 106.12(c).



Law Enforcement

H.B. 30

Subject: Access to Certain Law Enforcement, Corrections, and Prosecutorial Records under Public Information Law

Effective: September 1, 2023

H.B. 30 amends Section 552.108 of the Government Code to add Subsection (d), which specifies that information held by a law enforcement agency or prosecutor relating to the detection, investigation, or prosecution of a crime that did not result in conviction or deferred adjudication is public information if: a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated, or each person who is described by or depicted in the information, records, or notations, other than a deceased or incapacitated person, consents to the release of the information.

This change only applies to requests made on or after September 1, 2023.

S.B. 1402

Subject: Composition, Continuation, and Duties of the Sexual Assault Survivors' Task Force; Establishment of a Mandatory Training Program for Persons Responding to Reports of Abuse

Effective: September 1, 2023

S.B. 1402 revises provisions related to the Sexual Assault Survivors' Task Force (SASTF) and establishes training requirements for licensed peace officers on child sexual abuse and adult sexual assault, including best practices and trauma-informed response techniques.

S.B. 1402 amends Section 772.0064 of the Government Code to modify the composition of the SASTF and entitle any SASTF member who is not employed by a state agency to a per diem amount and reimbursement for expenses incurred.

S.B. 1402 amends Section 1701.272 of the Occupations Code requiring the Texas Commission on Law Enforcement (TCOLE) to consult with the SASTF to establish a basic education and training program on child sexual abuse and adult sexual assault, including best practices and trauma-informed response techniques to effectively recognize, investigate, and document such cases. The training program must consist of at least eight hours of instruction. TCOLE must require officers to complete this training not later than the last day of the first full continuing education training period after the date the officer was licensed unless the officer had completed the program as part of the basic training course. TCOLE must establish the training program not later than January 1, 2024.

S.B. 1445

Subject: Continuation and Functions of the Texas Commission on Law Enforcement

Effective: September 1, 2023

S.B. 1445 amends Chapter 1701 of the Occupations Code regarding the Texas Commission on Law Enforcement (TCOLE) and adopts certain policy recommendations from the Sunset Advisory Commission related to standards of conduct, licensing and hiring procedures, and data collection. TCOLE is continued through August 31, 2031.

New Section 1701.165 requires TCOLE to establish advisory committees to make recommendations on programs, rules, and policies that TCOLE administers. New Section 1701.166 authorizes TCOLE to compel by subpoena the production for inspection or copying of documents that TCOLE is entitled to access under state law and required routinely to audit that are relevant to the investigation of an alleged violation of state law governing law enforcement officers or TCOLE rule.

S.B. 1445 amends Section 1701.163 requiring TCOLE, with input from an advisory committee, to establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency. S.B. 1445 adds Sections 1701.167, 1701.4522 and 1701.4535 requiring TCOLE to adopt certain model policies to guide procedures related to minimum standards, personnel files, examination, hiring, and misconduct.

New Section 1701.168 requires TCOLE to establish a database containing information on each officer licensed in the state, including the officer's license status and personnel files, and to make the database available to law enforcement agencies upon request. Otherwise, information maintained in the database established under that section is confidential and not subject to disclosure under Chapter 552 of the Government Code (Public Information). S.B. 1445 also requires TCOLE, under new Section 1701.169, to designate one or more national law enforcement databases that a law enforcement agency would be required to access to complete the required pre-employment background checks.

S.B. 1445 adds Section 1701.205 mandating TCOLE to establish a public database containing personal service reports of each licensed officer that is compiled in a format that makes the information readily available to the public. S.B. 1445 requires TCOLE to adopt rules to exclude personal service reports for certain officers if the service report would create a safety risk for an undercover officer or an officer involved in an active sensitive operation. A person accessing information in the database must register as a user. A user's activity in the database will be tracked

by TCOLE. Such activity is confidential and not subject to disclosure under Chapter 552 of the Government Code, except as required to comply with a court order.

Before a law enforcement agency or governmental entity hires a person for whom a license is sought, the agency or entity is required under amended Section 1701.303, in addition to filing an application with TCOLE, to review any information relating to the person in the licensing status database, law enforcement database, and any applicable file provided to TCOLE if the person was licensed in another state.

Under new Section 1701.3035, before issuing a license to an applicant who held or had previously held an equivalent license in another state, TCOLE must request the personnel file and any other relevant record regarding the applicant from the licensing authority of the other state. An applicant for a license may not be denied a license solely because the licensing authority of another state did not provide a record requested by TCOLE.

New Section 1701.3135 provides that a person is disqualified to be an officer, and TCOLE may not issue a license to the person, if the person has been issued a license or other authorization to act as an officer in another state and, at the time the person applies for a license in this state, that license or authorization is revoked or suspended for a reason that would be grounds for TCOLE to revoke or suspend a license in Texas.

TCOLE is required under new Section 1701.5011 to adopt rules specifying the circumstances under which TCOLE can issue an emergency order, without a hearing, suspending a person's license for a maximum period of 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare.

S.B. 1445 repeals provisions requiring a law enforcement agency to include on an employment termination report a statement on whether the license holder was discharged generally, honorably, or dishonorably and an explanation of the circumstances under which the person resigned, retired, or was terminated. Provisions governing a license suspension for an officer who was dishonorably discharged and petitions for the

correction of an employee termination report are repealed.

S.B. 1445 revises officer training requirements to specify that a training program must provide a person with information regarding the law governing certain commission operations rather than the legislation that created TCOLE. This information is required to include the scope of and limitations on TCOLE’s rulemaking authority and the requirements of other laws applicable to members of a state policymaking board in performing their duties.

TCOLE must adopt specified rules and policies by March 1, 2024.

S.B. 1484

Subject: Border Operations Training Program for Peace Officers Employed by Local Law Enforcement Agencies

Effective: September 1, 2023

S.B. 1484 adds Section 411.02093 of the Government Code requiring the Department of Public Safety to establish and administer a border operations training program for peace officers employed by local law enforcement agencies. The program will include training on collaborating with other officers to address criminal activity in the Texas-Mexico border region as well as collaborating with and assisting prosecutors to effectively adjudicate these cases. The bill amends Section 1701.359 of the Occupations Code authorizing continuing education hours for officers who complete the program.

S.B. 2429

Subject: Reporting Procedures and Training Programs for Law Enforcement Agencies Regarding Missing Children and Missing Persons

Effective: September 1, 2023

S.B. 2429 amends Article 63.009 of the Code of Criminal Procedure and adds Article 63.00905 to differentiate between procedures for peace officers responding to missing persons reports generally versus responding to reports of missing children. The phrase “missing child” is removed from multiple places in Article 63.009, which relates to missing persons generally. Article 63.00905 provides new procedures for law enforcement reporting missing children.

S.B. 2429 amends Article 63.0091 expanding the criteria for designating a child as high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision and removes the maximum age provision. A high-risk determination as part of a missing child report triggers special procedures by the Department of Public Safety. The bill allows a child to be designated as high risk for any reason the agency determines, including: the child disappeared in a dangerous environment; the child has mental or behavioral health needs; the child previously exhibited signs of mental illness; the child has an intellectual or developmental disability; the child is known to have been last seen or in communication with a person unknown to the child’s family or legal guardian; or the child made concerning statements before disappearing.

S.B. 2429 amends Section 1701.253 of the Occupations Code requiring the Texas Commission on Law Enforcement (TCOLE) to adopt basic education and training standards regarding missing children and missing persons, including on required reporting under Chapter 63 of the Code of Criminal Procedure. The bill also adds Section 1701.2528 requiring TCOLE to make available a voluntary advanced education program on missing children and missing persons



Local Government

H.B. 586

Subject: Municipal Annexation of Certain Rights-of-Way

Effective: May 23, 2023

Under current annexation law, a municipality must receive the consent of a landowner before annexation of their land may occur. Even though

highways and rights-of-way are technically owned by the state, the Texas Department of Transportation does not have the authority to act as the landowner for annexation purposes, meaning cities have no landowner from which to seek consent for annexation. H.B. 586 addresses this issue by giving cities limited authority to annex land along certain portions of highways and rights-of-way.

H.B. 586 amends Section 43.1055 of the Local Government Code authorizing a municipality to annex a road right-of-way by ordinance, under annexation procedures for areas exempted from consent annexation procedures, provided that the right-of-way satisfies the following conditions: (1) the right-of-way is contiguous to the municipality's boundary or to an area being simultaneously annexed by the municipality; (2) the right-of-way is either parallel to the boundary of the municipality or to an area being simultaneously annexed by the municipality, or connects the boundary of the municipality to an area being simultaneously annexed by the municipality or to another point on the boundary of the municipality, without expanding the annexing municipality's extraterritorial jurisdiction; and (3) the right-of-way does not result in the municipality's boundaries surrounding any area that was not already in the municipality's extraterritorial jurisdiction immediately before the annexation of the right-of-way.

H.B. 586 requires the following to be satisfied in order for a municipality to annex a right-of-way under applicable road rights-of-way annexation provisions as amended by the bill: (1) the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way requests the annexation of the right-of-way in writing; or (2) the municipality provides written notice of the annexation to the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way not later than the 61st day before the date of the proposed annexation, and the owner or the governing body does not submit a written objection to the municipality before the date of the proposed annexation. The bill authorizes a governmental body that owns or maintains a right-of-way proposed to be annexed to specify, by

notifying the municipality in writing, the location at which the municipality must deliver the written notice of the annexation.

H.B. 969

Subject: Local Regulation to Enforce Child Custody Violations

Effective: September 1, 2023

To address increasing case backlogs related to child custody violations, H.B. 969 adds Section 157.551 of the Family Code, authorizing municipalities and counties to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for engaging in conduct described by Section 25.03 of the Penal Code (Interference with Child Custody). This penalty, enacted as an optional ordinance or order, will serve to deter child custody order violations such as improperly possessing a child.

TMCEC: Note that this creates a civil penalty and is an addition to a chapter related to Suits Affecting the Parent Child Relationship, which are proceedings which can only occur in District Courts, Family Courts, or County Courts at Law. Municipal Courts likely do not have jurisdiction to hear the cases for which these penalties may be imposed, even though they mirror otherwise criminal conduct.

H.B. 1381

Subject: Reducing the Required Number of Public Hearings for a Zoning Commission

Effective: September 1, 2023

Current law is ambiguous about whether a zoning commission must hold multiple hearings for municipal zoning and planning matters. As a result, cities have to hold multiple hearings on the same items, which creates a backlog of public hearings, is costly to taxpayers, and causes delays in the development and rehabilitation of properties.

H.B. 1381 amends Section 211.007(b) of the Local Government Code to eliminate the requirement that a city's zoning commission hold multiple public hearings regarding land development applications. As amended, at least one such public hearing must be held. This only applies to proposals to change municipal zoning classifications made on or after September 1, 2023.

H.B. 2127

Subject: Preempting Certain Municipal and County Regulation

Effective: September 1, 2023

Some cities and towns may feel pressure to duplicate state regulatory and enforcement efforts. Many job creators, on the other hand, desire a baseline of regulatory consistency across the state that allows them to focus their resources on growing their businesses and increasing their economic impact to the betterment of their employees, their communities, and the state, rather than dealing with unnecessary regulatory compliance.

H.B. 2127, the Texas Regulatory Consistency Act, prohibits a municipality or county from adopting, enforcing, or maintaining an ordinance, order, or rule regulating conduct in a field of regulation occupied by a provision of certain statutory codes unless the municipal or county regulation was expressly authorized by another statute. The prohibition applies to the following codes: Agriculture; Business & Commerce; Finance; Insurance; Labor; Natural Resources; Occupations; and Property.

A municipality or county may enforce or maintain any ordinance, order, or rule regulating any conduct related to credit service organizations and credit access businesses, if the regulation was adopted before January 1, 2023, and would have been valid under the law as it existed before September 1, 2023.

H.B. 2127 authorizes any person who sustains an injury in fact, actual or threatened, from a municipal or county regulation in violation of its provisions to bring an action against the municipality, county, or an official who adopted or enforced the regulation. A trade association representing the person may also bring such an action. The claimant may recover declaratory and injunctive relief along with costs and reasonable attorney's fees. Governmental immunity of a municipality or county is waived to the extent of liability created by H.B. 2127, and official and qualified immunity may not be asserted as a defense.

H.B. 2127 specifies that it may not be construed to prohibit a municipality or county from building or maintaining a road, imposing a tax, or carrying out any authority expressly allowed by statute,

or a home rule municipality from providing the same services and imposing the same regulations authorized for general-law municipalities. This language appears in H.B. 2127 but is not codified in statute.

TMCEC: Dubbed by the media the "Death Star bill," the Texas Regulatory Consistency Act has garnished a lot of public attention. Arguments regarding preemption in municipal law are certainly nothing new and many state statutes already contain preemption provisions. TMCEC has already fielded several questions regarding H.B. 2127 from concerned municipal judges. While H.B. 2127 arguably erodes the authority of home rule municipalities, it is important to note that it does not entail across-the-board field preemption and that while the bill does affect governmental immunity for municipalities, it has no bearing on judicial immunity afforded to municipal judges.

H.B. 3033

Subject: Revising Public Information Law

Effective: September 1, 2023

Currently, Texas's public information law allows a governmental body to delay the release of information subject to a public information request upon requesting an opinion from the Office of the Attorney General regarding whether the information may legally be withheld. The current opinion process can result in extended delays. H.B. 3033 addresses this issue and ensures a more timely release of information subject to public information law by implementing a number of safeguards.

H.B. 3033 amends Chapter 552 of the Government Code (Public Information). Amended Section 552.306 requires a governmental body, as soon as practicable but within a reasonable period of time (presumed to comply if not later than the 30th day) after the attorney general issues an opinion on a public information request, to: (1) provide the requestor an itemized estimate of charges for production of the information if applicable; (2) produce the information if required; (3) notify the requestor in writing that the governmental body was withholding the information as authorized by the opinion; or (4) notify the requestor in writing that the governmental body has filed suit against the attorney general regarding the information.

Added Section 552.0031 creates a limited definition

of business day for purposes of Chapter 552. The bill also limits the exception to disclosure in Section 552.103 when the information relates to elections.

H.B. 3033 adds Section 552.310 requiring the attorney general to make available an accessible and searchable online database consisting of each request for a decision on a public information request and the corresponding opinion issued. The bill requires the database to be searchable by the name of the governmental body making the request and the exception that a governmental body asserted applied to its request to withhold information from disclosure. The database must allow a person to view the current status of a decision request and an estimated timeline indicating each stage of review. H.B. 3033 requires a governmental body that requests an attorney general decision on a public information request to submit its request through the attorney general's designated electronic filing system. Under new Section 552.3031, this requirement does not apply to a request if the governmental body requesting the decision has fewer than 16 full-time employees or is located in a county with a population of less than 150,000 or if the amount or format of responsive information at issue makes use of the attorney general's electronic filing system impractical or impossible.

H.B. 3033 amends Section 552.108 requiring a governmental body to promptly release basic information about an arrested person, an arrest, or a crime in response to a public information request unless the body sought to withhold the information under another provision of applicable statute and regardless of whether the body requested an attorney general decision regarding other information subject to the request. Under amended Section 552.012, the attorney general may require each official of a governmental body to complete a course of training in responsibilities related to public information if the attorney general determines that the governmental body failed to comply with a relevant statutory requirement.

The bill applies only to requests for an attorney general opinion made on or after September 1, 2023, regardless of when the request for information was made. Not later than January 1,

2024, the Office of the Attorney General shall make the database required by H.B. 3033 available.

H.B. 3053

Subject: Municipal Disannexation of Certain Areas

Effective: September 1, 2023

H.B. 3053 adds Section 43.1463 of the Local Government Code, which requires a municipality with a population of at least 500,000 that had by ordinance annexed an area with a population greater than zero between March 3, 2015 and December 1, 2017 to hold an election in the area on the question of disannexing the area from the municipality.

H.B. 3053 prohibits the municipality from using public money on promotional campaigns or advocacy related to the election and specifies certain information that must be included in the ballot proposition for the election.

H.B. 3060

Subject: Regulation of Recycling

Effective: May 27, 2023

In 2019, the legislature changed Texas law treating certain chemical recycling facilities as manufacturing facilities instead of solid waste facilities, outside of the regulatory and fee environment of solid waste facilities. Currently, when post-use polymers and recoverable feedstocks are converted using pyrolysis or gasification into valuable products, they are considered recyclable materials. While pyrolysis and gasification facilities are exempt from regulation as solid waste facilities under the Solid Waste Disposal Act (Chapter 361 of the Health and Safety Code), the Act does not exempt new processes such as solvolysis and depolymerization.

H.B. 3060 amends Section 361.0151 of the Health and Safety Code to require that any municipality that establishes goals or requirements for recycling or the use of recycled materials, other than a computer equipment recycling program under Subchapter Y or a television equipment recycling program under Subchapter Z, must base those goals or requirements on the definitions and principles established by Subchapter N of Chapter 361.

H.B. 3060 amends Chapter 361 of the Health and Safety Code to classify depolymerization and solvolysis as manufacturing, rather than solid waste disposal, activities, and to regulate those activities as such. H.B. 3060 amends Chapter 361 to give exclusive regulation authority for mass balance attribution and for that chapter to the Texas Commission on Environmental Quality.

H.B. 3526

Subject: Application of Municipal Building Codes to Solar Pergolas
Effective: September 1, 2023

Under current law, municipalities can classify a solar pergola as a permanent structure. Some jurisdictions require solar pergolas to be built within a certain distance of a home or be attached to the home. However, the building code can hinder the optimal positioning of a solar pergola for energy production. H.B. 3526 amends Chapter 214 of the Local Government Code to create Section 214.221, which prohibits a municipality from applying a municipal building code to the construction of a solar pergola.

TMCEC: Neither new Section 214.221 nor Chapter 214 of the Local Government Code define “solar pergola” or “pergola.”

H.B. 3699

Subject: Municipal Regulation of Subdivisions and Approval of Subdivision Plans or Plats
Effective: September 1, 2023

H.B. 3699 amends Chapter 212 of the Local Government Code regarding the authority of municipalities to regulate subdivisions and approve subdivision plats.

H.B. 3699 amends Section 212.001 of the Local Government Code removing the definition of a “General Plan,” with conforming amendments. H.B. 3699 adds Sections 212.0021 and 212.0081 requiring the governing body of a municipality to publish specifications and requirements for plat applications and all documents and attachments which must be included.

H.B. 3699 amends Section 212.004 adding Subsections (f) and (g), which specify when a plat application is considered filed, for purposes of plat approval, and prohibit a municipality from requiring an analysis, study, or other similar requirement for

an application except as allowed by state law.

H.B. 3699 amends Section 212.010 adding Subsections (c), (d), and (e) regarding dedication of public streets and corridors, and providing a private cause of action for applicants, to be filed in a district court.

H.B. 4559

Subject: Statutes that Classify Political Subdivisions by Population
Effective: September 1, 2023

Many statutes are limited in their application to a certain class of political subdivisions by means of a population bracket that establishes an upper or lower limit or both for the target class of political subdivision. A reference in a statute to the population of a political subdivision means the population according to the most recent federal census. Therefore, as population data changes with the release of each federal census, the political subdivision for which a population bracket was designed may no longer be in the bracket. It becomes necessary, following each federal census, to examine each population bracket and, if necessary, to take action to update the bracket to ensure that statutes continue to apply as originally enacted.

Based on new census data contained in the 2020 federal census, H.B. 4559 amends various state codes and provisions in Vernon’s Texas Civil Statutes to revise the population-based descriptions of certain political subdivisions so that the applicable laws continue to apply to those subdivisions. The bill specifies that it is not intended to revive a law that was impliedly repealed by a law enacted by a previous legislature, including the 87th. To the extent that a law enacted by the 88th Legislature, Regular Session, conflicts with H.B. 4559, the other law prevails.

H.J.R. 126

Subject: Constitutional Amendment Protecting Right to Farming, Ranching, Timber Production, Horticulture, and Wildlife Management
Effective: May 8, 2023

To ensure our future food security, many people feel there is a need to protect the right to farm and ranch in Texas. For farmers and ranchers who engage

in agricultural production within boundaries of municipal regulation, ordinances can prohibit and restrict normal practices of agricultural operations, such as the raising and keeping of livestock, the production of hay, and the cultivation of certain row crops.

H.J.R. 126 creates a proposed amendment to Article I of the Texas Constitution to create new Section 36 which would establish the right of the people to engage in generally accepted farm, ranch, timber production, horticulture, or wildlife management practices on real property they own or lease.

The amendment would not affect the ability of the legislature to authorize regulation of these practices by a state agency or local authority when there is clear and convincing evidence that the regulation is necessary to protect public health from imminent danger, to prevent a danger to animal health or crop production, or to conserve natural resources of the state.

The amendment would not affect the ability of the legislature to authorize the use or acquisition of property for a public use, including the development of natural resources of the state.

S.B. 12

Subject: Restricting Sexually Oriented Performances

Effective: September 1, 2023

S.B. 12 adds Chapter 769 of the Health and Safety Code (Sexually Oriented Performances). Section 769.002 prohibits a person who controls the premises of a commercial enterprise from allowing a sexually oriented performance to be presented on the premises in the presence of an individual younger than 18. A person who violates this prohibition may be liable for a civil penalty of up to \$10,000. The attorney general can bring an action to recover the civil penalty or obtain an injunction to restrain the violation. The action may be brought in a district court in Travis County or a county in which any part of the violation occurred. The attorney general shall deposit the civil penalty in the state treasury general revenue fund and may recover reasonable expenses.

The bill adds Section 43.28 of the Penal Code creating a Class A misdemeanor for a person who engages in a sexually oriented performance

on public property at a time, in a place, and in a manner that could reasonably be expected to be viewed by a child or on the premises of a commercial enterprise in the presence of an individual younger than 18. S.B. 12 adds Section 43.28 to the Penal Code, which defines “sexually oriented performance” as a visual performance that features a performer who is nude or engaged in sexual conduct, as defined by that section, and that appeals to the prurient interest in sex. The conduct is an offense regardless of whether compensation for the performance was expected or received.

S.B. 12 creates Section 243.0031 of the Health and Safety Code, authorizing a municipality or county to regulate sexually oriented performances as necessary to promote public health, safety, or welfare, but prohibiting a municipality or county from authorizing a sexually oriented performance on public property or in the presence of an individual younger than 18.

TMCEC: This bill, as introduced, was the “Drag Performance” ban, and included language prohibiting performers exhibiting as a sex other than their own. That language is not included in the final version of the bill.

S.B. 29

Subject: Prohibiting Governmental Entities from Implementing a Vaccine Mandate, Mask Requirement, or Private Business or School Closure to Prevent the Spread of COVID-19

Effective: September 1, 2023

S.B. 29 adds Chapter 81B of the Health and Safety Code (Prohibited Coronavirus Preventative Measures) prohibiting a governmental entity, including the state, a local government entity, an open-enrollment charter school, or an agency of the state or a local government, from implementing, ordering, or otherwise imposing a mandate to prevent the spread of COVID-19 that requires: (1) a person to wear a face mask or other face covering; (2) a person to be vaccinated against COVID-19; or (3) the closure of a private business or a public, open-enrollment charter, or private school.

Limitations on mandates related to face masks would not apply to state-supported living centers, facilities operated by the Texas Criminal Justice Department or the Texas Juvenile

Justice Department, municipal or county jails, or hospitals or other health care facilities owned by a governmental entity that were subject to certain other rules prescribed by a government agency which conflicted with the limitation. Limitations on mandates related to vaccines would apply only to the extent that the prohibition did not conflict with federal rules.

S.B. 271

Subject: State Agency and Local Government Security Incident Reporting
Effective: September 1, 2023

S.B. 271 amends Section 2054.1125 of the Government Code, renumbering it as 2054.603, to expand the applicability of the statute to include local governments, change the definition of a security incident to include a broader swathe of cyber and computer attacks (including ransomware), and require reporting to the Department of Information Resources.

The changes to Section 2054.603 do not apply to a security incident that a local government is required to report to an independent organization certified by the Public Utility Commission under Section 39.151 of the Utilities Code.

S.B. 349

Subject: Housing Authority Pet Policies
Effective: May 10, 2023

S.B. 349 adds Section 392.0555 of the Local Government Code requiring that any housing authority policy permitting pet ownership comply with all applicable restrictions on dangerous dogs imposed under Section 822.047 of the Health and Safety Code.

TMCEC: Section 822.047 of the Health and Safety Code (Local Regulation of Dangerous Dogs) authorizes a county or municipality to place additional restrictions or requirements on dangerous dogs if those requirements and restrictions are not specific to one breed or several breeds of dog, and are more stringent than the restrictions provided elsewhere in Chapter 822.

S.B. 349 will be important for any municipality that operates a housing authority, and any municipality in a county that operates a housing authority. Any housing authority with pet policies that operates within the territorial limits of a municipality must

comply with both county and municipal dangerous dog regulations.

S.B. 577

Subject: Regulation of Various Food Service Establishments and Food Managers
Effective: September 1, 2023

S.B. 577 amends Chapter 437 of the Health and Safety Code prohibiting municipalities and public health departments from enforcing rules that differ from statewide standards until the local rules have been posted in a public registry database for at least 60 days. S.B. 577 also establishes that ceilings, bar fronts, wall art, and similar surfaces need not meet the same cleanable surface standards that apply to cooking, preparation, and eating surfaces. S.B. 577 prohibits municipalities and counties from assessing a local restaurant fee and a local alcohol fee from the same business beyond the first time the business's alcohol permit or license is issued. S.B. 577 prohibits a county or municipality from restricting the type or quantity of packaging, utensils, or straws a business provides to customers. The bill also amends Chapter 438 to prohibit local health jurisdictions charging food managers a permit fee for a person who has already completed a state-approved certification.

S.B. 577 requires the Department of State Health Services to establish the registry for municipalities to post proposed rules, so that they may be enforced as soon as practicable after September 1, 2023.

S.B. 784

Subject: Preemption of Local Regulation of Greenhouse Gas Emissions
Effective: September 1, 2023

S.B. 784 amends Chapter 382 of the Health and Safety Code adding Section 382.005, which states that, to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions in the State of Texas. A municipality or other political subdivision may not enact or enforce an ordinance or other measure that directly regulates greenhouse gas emissions.

S.B. 943

Subject: Publication of Notices by a Governmental Entity on the Internet Websites of a Newspaper and the Texas Press Association
Effective: September 1, 2023

S.B. 943 adds Section 2051.054 of the Government Code, which requires a newspaper that publishes a notice to, at no additional cost to the governmental entity placing the notice, publish the notice on one or more webpages on the newspaper's Internet website, if the newspaper maintains a website, that are: (1) clearly designated for notices and accessible to the public at no cost and (2) deliver the notice to the Texas Press Association for the association to publish on the association's Internet website

The Texas Press Association website must be accessible to the public at no additional cost, updated as notices are received, and searchable sortable by subject matter and location. The website must also offer notifications to which a person may electronically subscribe.

The application of S.B. 943 related to the Texas Press Association is contingent upon the association's maintenance of a statewide repository of notices.

The validity of a notice printed in a newspaper and published on an Internet website under Section 2052.054 is not affected if there is an error in the notice published on the website or publication of the notice on the website is temporarily prevented as the result of a technical issue with the website.

S.B. 1017

Subject: Regulation of an Energy Source or Engine

Effective: September 1, 2023

S.B. 1017 adds Chapter 247 of the Local Government Code (Regulation of Energy Sources and Engines). Political subdivisions, including counties, municipalities, and school districts, may not adopt or enforce any regulation that prohibits or restricts the use, sale, or lease of an engine based on its fuel source. Political subdivisions may not enact regulations that would limit access to an energy source or that result in the effective prohibition of a wholesaler, retailer, energy producer, or related infrastructure that is necessary to provide access to a specific energy source.

S.B. 1860

Subject: Adoption of a Climate Policy in a Municipal Charter

Effective: September 1, 2023

S.B. 1860 amends Chapter 9 of the Local Government Code to address "climate charters," amendments, and provisions in home-rule cities' charters that purport to address climate change or the municipality's environmental impact, including water and energy use and air pollution.

S.B. 1860 adds Section 9.0045 requiring the legislature to adopt a resolution approving any climate charter amendment before the climate charter amendment is submitted for voter approval.

S.B. 1860 makes conforming amendments to Chapter 9 to reflect this requirement.

TMCEC: Note that this does not require the submission of ordinances or handbooks addressing a city's climate impact or water and energy use, provided they are not included in a charter provision. This bill also does not require that every charter amendment be submitted to the legislature, only those that fall under the new definition of a climate charter under Chapter 9.

S.B. 2038

Subject: Release of an Area from a Municipality's Extraterritorial Jurisdiction by Petition or Election

Effective: September 1, 2023

S.B. 2038 adds Subchapters D and E to Chapter 42 of the Local Government Code setting out provisions relating to the release of an area, depending on the population of the area, from a municipality's extraterritorial jurisdiction (ETJ) by petition and election respectively.

Subchapter D authorizes a resident of an area in a municipality's ETJ, and the owner or owners of the majority in value of an area consisting of one or more parcels of land in a municipality's ETJ, to file a petition with the municipality for the respective area to be released from the ETJ. The petition must be signed by more than 50 percent of the registered voters of the applicable area, or a majority in value of the holders of title to land in the applicable area. The petition must include a map of the land to be released and describe the boundaries of the land by metes and bounds or by lot and block number. Section 42.101 includes certain limitations to the applicability of Subchapter D.

Subchapter E authorizes a resident of an area in a municipality's ETJ to request the municipality

to hold an election to vote on the question of whether to release the area from the municipality's ETJ by filing with the municipality a petition that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date. A resident is prohibited from requesting another election on the question of releasing the same or substantially same area from the municipality's ETJ before the second anniversary of the date the municipality receives the petition. The petition must include a map of the land to be released and describe the boundaries of the land by metes and bounds or, if there is a recorded map or plat, by lot and block number. Section 42.151 limits the applicability of Subchapter E.

S.B. 2038 also adds Subsection 42.021(e) of the Local Government Code, providing that an annexation commenced after January 1, 2023 does not expand a municipality's ETJ, unless contemporaneously with the annexation, the owner or owners of the area that would be included in the municipality's ETJ as a result of the annexation request that the area be included in the municipality's ETJ. A municipality must release ETJ acquired from an annexation commenced after January 1, 2023, as necessary to comply with these provisions of this new subsection.

Magistrate Duties and Mental Health

H.B. 446

Subject: Statutory References to Intellectual Disability

Effective: September 1, 2023

Similar to recent federal legislation, H.B. 446 amends state statutes to replace the previously common term "mental retardation," which is today considered derogatory, with "intellectual disability." The bill also eliminates references to outdated and nonexistent health and human services agencies.

H.B. 492

Subject: Creation and Operation of a Mental Health Services District by Midland and Ector Counties

Effective: September 1, 2023

Recognizing the need for additional mental health services in the Permian Basin, the 87th Texas Legislature provided funding for a new mental health hospital in the region. The Legislature required the new facility to be run by both the Midland and Ector County Hospital Districts. H.B. 492 provides for the creation of a mental health services district by the two hospital districts to provide mental health services to the district's residents.

TMCEC: To find out what mental health services are available to municipal courts in the Permian Basin, contact the region's local mental health authority (LMHA). Visit hhs.texas.gov to find out which LMHA services your area.



H.B. 767

Subject: Entry of Conditions of Bond for Stalking Offenses into the Texas Crime Information Center

Effective: September 1, 2023

H.B. 767 amends Article 17.50 of the Code of Criminal Procedure (Entry into Texas Crime Information Center of Certain Information in Cases Involving Violent Offenses; Duties of Magistrates, Sheriffs, and Department of Public Safety) making an offense under Section 42.072 of the Penal Code (Stalking) trigger the magistrate's duty to notify the sheriff when setting conditions of bond. By including stalking in the list of offenses subject to this requirement, victims of stalking would be notified after a defendant is released on bond and when conditions of bond are imposed by a magistrate, which will help improve victim safety and reduce the likelihood of retaliatory acts.

H.B. 1712

Subject: Inclusion of Magistrate's Name on Certain Signed Orders

Effective: September 1, 2023

H.B. 1712 adds Article 2.101 of the Code of Criminal Procedure requiring any signed magistrate's order pertaining to a criminal matter issued under the Code of Criminal Procedure, Family Code, Government Code, or other law of this state to include, with the magistrate's signature, the magistrate's name in legible handwriting, typewritten form, or stamp print. The failure of a magistrate to follow this requirement does not affect the validity of the order. However, a defendant may make a motion to add the name to an order that does not comply with Article 2.101 if the order is relevant to the action and the defendant cannot identify the magistrate who signed the order. The bill grants the Supreme Court of Texas the authority to adopt rules to implement Article 2.101.

TMCEC: This is not the first time the legislature has required a legible magistrate's name to be included on a warrant. In 2015, Article 18.04 was added to the Code of Criminal Procedure requiring search warrants to include a magistrate's name in typewritten form or clearly legible handwriting. Now, eight years later, that requirement extends more broadly to all magistrate criminal orders.

H.B. 2059

Subject: Mental Health First Aid Training
Effective: September 1, 2023

Mental health first aid (MHFA) is an interactive, skills-based training course that helps people identify, understand, and respond to signs of mental illnesses and substance use disorders. Local mental health authorities (LMHAs) and local behavioral health authorities (LBHAs) provide this training. The 83rd Legislature authorized grants for LMHAs to train school district educators. Subsequent legislation expanded the program to include other school employees. Limitations under current law, however, do not permit the Health and Human Services Commission to maximize the use of funds allocated for the MHFA program. With the rise in mental health concerns throughout Texas, H.B. 2059 expands the eligibility of individuals who can participate in the state's program. The bill amends Section 1001.203 of the Health and Safety Code maximizing the use of funds allocated for the MHFA program by allowing a wider range of persons, including youth, first responders, judges,

and military service members and veterans, to participate in a MHFA program.

H.B. 2715

Subject: Prohibition on Tracking Individuals
Effective: September 1, 2023

In instances of domestic violence and stalking, abusers track and monitor the movement of their victims as a coercive control tactic intended to intimidate and harass the victim. H.B. 2715 amends Article 17.292(c) of the Code of Criminal Procedure authorizing a magistrate's order for emergency protection (MOEP) (among other protective orders) to prohibit the arrested party from tracking or monitoring the person protected under the MOEP, whether personal property or motor vehicles, using a tracking device or a tracking application on a personal electric device, or physically following (or causing another to physically follow) the person protected under the order or the family or household member. The bill also makes such tracking behavior an offense under Section 25.07 (Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case) and 42.07 (Harassment) of the Penal Code.

TMCEC: A recurring theme in legislative sessions is an effort to keep up with technology. In recent years, there has been a proliferation of tracking devices and technologies. Smartphones, wearable devices, and vehicle tracking systems coupled with GPS, Wi-Fi, and Bluetooth, have made tracking increasingly prevalent in everyday life. In some cases, tracking devices have been misused for surveillance or stalking purposes, highlighting the need for laws such as H.B. 2715.

Variations in forms for certain protective orders may cause delays for the Department of Public Safety in transmitting information regarding persons prohibited from possessing firearms to the FBI's National Instant Criminal Background Check System. S.B. 48 adds Section 72.039 of the Government Code requiring the Office of Court Administration (OCA) to develop and make available on its website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce a protective order, a magistrate's order for emergency

protection, or a temporary ex parte order. The bill amends provisions related to each protective order, including Article 17.292 of the Code of Criminal Procedure (Magistrate's Order for Emergency Protection), requiring applicable judges and magistrates to use OCA's standardized forms. A person filing an application or a magistrate's failure to use the standardized form does not affect the validity or enforceability of the order.

OCA is required to create and make all forms and materials available on their website by June 1, 2024. The bill applies only to an application for an order filed on or after June 1, 2024.

H.B. 3698

Subject: Expanding Access to the Protective Order Registry

Effective Date: September 1, 2023

The 87th Texas Legislature (2019) required the Office of Court Administration to establish a protective order registry. To increase the registry's accessibility and effectiveness, H.B. 3698 amends Section 72.154(a) of the Government Code requiring the registry to be searchable by any known common name misspellings and aliases of a person who is the subject of the protective order. The bill also amends Section 72.155 of the Government Code authorizing magistrates to access the information under the registry and search for and receive a copy of a filed application for a protective order or an issued protective order through the registry's website.

S.B. 26

Subject: Mental Health Grants for Children

Effective: September 1, 2023

S.B. 26 adds Section 531.09915 of the Government Code tasking the Health and Human Services Commission (HHSC) to establish a grant program to provide support to eligible entities for community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. The bill requires the HHSC executive commissioner by rule to establish application and eligibility requirements for an entity to be awarded a grant under the program. Municipalities are among the eligible entities.

S.B. 48

Subject: Establishing Standardized Forms for Issuance of Certain Court Orders

Effective: June 18, 2023

Variations in forms for certain protective orders may cause delays for the Department of Public Safety in transmitting information regarding persons prohibited from possessing firearms to the FBI's National Instant Criminal Background Check System. S.B. 48 adds Section 72.039 of the Government Code requiring the Office of Court Administration (OCA) to develop and make available on its website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce a protective order, a magistrate's order for emergency protection, or a temporary ex parte order. The bill amends provisions related to each protective order, including Article 17.292 of the Code of Criminal Procedure (Magistrate's Order for Emergency Protection), requiring applicable judges and magistrates to use OCA's standardized forms. A person filing an application or a magistrate's failure to use the standardized form does not affect the validity or enforceability of the order.

OCA is required to create and make all forms and materials available on their website by June 1, 2024. The bill applies only to an application for an order filed on or after June 1, 2024.

S.B. 63

Subject: Instruction Guide for Family Members and Caregivers of Veterans Who Have Mental Health Disorders

Effective: May 23, 2023

S.B. 63 adds Section 531.0932 of the Government Code requiring the Health and Human Services Commission (HHSC) and the Texas Veterans Commission (TVC) to jointly produce and make publicly available an instruction guide for family members and caregivers of veterans who have mental health illnesses. The bill requires the instruction guide to include general education about different mental health disorders, techniques for coping with the stress of living with a person with a mental health disorder, techniques for handling crisis situations and administering mental health first aid, and services available. HHSC and TVC must publish the guide on the respective agency's Internet website.

S.B. 2479

Subject: Procedures for Persons with a Mental Illness or Intellectual Disability

Effective: September 1, 2023

S.B. 2479 implements several recommendations made to the Legislature by the Judicial Commission on Mental Health. The bill amends Article 16.22 of the Code of Criminal Procedure by removing the limitation of application in Subsection (a)(1) to an offense punishable as a Class B misdemeanor or higher category of offense and adding Subsection (a)(2)(C), which provides that a magistrate is not required to order the interview and collection of other information under Subsection (a)(1) if the defendant was only arrested or charged with an offense punishable as a Class C misdemeanor. The bill also clarifies that certain provisions in Article 16.22 related to incompetency to stand trial are subject to Article 46B.002 (Applicability).

To harmonize mental health personal bonds with recent amendments the bill makes Article 17.03(b-2) (Personal Bond) subject to Article 17.032 (Release on Personal Bond of Certain Defendants with Mental Illness or Intellectual Disability).

S.B. 2479 amends the process for emergency detention in Section 573.012 of the Health and Safety Code (Issuance of Warrant). Added Subsection (d-1) provides that a peace officer who transports an apprehended person to a facility is not required to remain there while the person is being screened or treated. The officer may leave the facility immediately after the person is taken into custody by appropriate facility staff and the peace officer provides required documentation to the facility. Amended Subsection (h) adds a licensed mental health professional employed by a local mental health authority as a person the judge or magistrate may permit to electronically present an application for emergency detention.

TMCEC: Prior to 2017, the requirements of Article 16.22 applied to all offenses. In 2017, S.B. 1326 limited the requirements to Class B misdemeanors or higher offenses. This resulted in confusion related to identifying arrestees charged with Class C misdemeanors that may have mental illness. Though most people accused of Class C misdemeanors are never arrested, it is important to consider the possibility that mental illness underlies the relatively few number of cases culminating in

arrest. S.B. 2479 permits application of 16.22 to Class C misdemeanors without requiring it. For historical background on the issues related to Article 16.22 addressed by this bill, see Regan Metteauer, Elizabeth Rozacky, and Ryan Kellus Turner, “Class C Misdemeanors, Competency, and Continuity of Care,” *The Recorder* (August 2020).



Procedural Law

H.B. 1603

Subject: Appointment of an Attorney Pro Tem in Municipal and Justice Courts

Effective: September 1, 2023

Article 2.07(g) of the Code of Criminal Procedure, repealed by the 86th legislature, previously required mandatory appointment of an attorney pro tem for the State in municipal and justice courts when the State is not represented by counsel at trial. This repeal caused some confusion and uncertainty.

H.B. 1603 amends Article 45.031 of the Code of Criminal Procedure to authorize judges to appoint any competent attorney as attorney pro tem for the State if the State is not represented by counsel when the case is called for trial. An appointed attorney is qualified to represent the State and may be paid a reasonable fee for performing those duties.

H.B. 2015

Subject: Exemption from Jury Service for Persons Over a Certain Age

Effective: September 1, 2023

H.B. 2015 amends Section 62.106 (a) of the Government Code to authorize a person qualified to serve as a petit juror to establish an exemption, raising the age of eligibility for that exemption

to 75, rather than 70, years of age. The bill makes conforming changes to Sections 62.107 and 62.108.

TMCEC: H.B. 2015 applies only to an exemption from jury service for a person who is summoned to appear for service after September 1, 2023. The changes in this bill are also made identically in one of the sections of omnibus bill H.B. 3474.

H.B. 2129

Subject: Merchant Allowing a Person Suspected of Theft to Complete a Theft Education Course

Effective: September 1, 2023

H.B. 2129, the Kevin Kolbye Act, amends Section 124.001 of the Civil Practice and Remedies Code, the “Shopkeeper’s Privilege” to detain persons reasonably suspected of stealing property. The bill adds Subsections (b) through (e), permitting a retailer to offer a person who is suspected of stealing or attempting to steal property from the retailer an opportunity to complete a theft education program instead of reporting the suspected offense to a law enforcement agency. New Subsection (d) requires the merchant to make certain records available to a district attorney, criminal district attorney, or county attorney upon request. The new subsections do not preclude a peace officer, district attorney, criminal district attorney, county attorney, or judge from offering a person a theft education program under the bill’s provisions.

Additionally, H.B. 2129 adds Section 124.002, which provides requirements for the theft education programs and providers. Section 124.002 includes a provision that a person may not be required to make an admission of guilt to participate in a theft education program and may not be subject to additional civil penalties under any other provision of law, after successfully completing a theft education program under Section 124.002.

H.B. 3474

Subject: Judicial Branch Omnibus (Operations, Administration, Practices, and Procedures)

Effective: September 1, 2023

H.B. 3474 is an omnibus bill that encompasses new courts, changes to judicial administration, and changes to jurisdiction. Among its numerous provisions, H.B. 3474 revises procedures related

to jurors and jury service, court reporters, and interpreters.

Jurors and Jury Service. H.B. 3474 amends Section 62.106 of the Government Code (Exemption from Jury Service) increasing the age for exemption from 70 to 75. Corresponding changes occur in 62.107 (Procedures for Establishing Exemptions) and 62.108 (Permanent Exemption for Elderly).

H.B. 3474 adds Section 62.115 of the Government Code (Compilation of List of Convicted Persons) requiring the clerk of the court to maintain a list of the name and address of each person who is disqualified from jury service because the person was convicted of misdemeanor theft or a felony. Added Subsection 62.115(b) provides that a person who was convicted of misdemeanor theft or a felony shall be permanently disqualified from serving as a juror. However, exceptions exist if the person was placed on deferred adjudication and received a dismissal and discharge in accordance with Article 42A.111 of the Code of Criminal Procedure, placed on community supervision and the period of community supervision was terminated early under Article 42A.701 of the Code of Criminal Procedure, or pardoned or has had the person’s civil rights restored. On the third business day of each month, the clerk shall send to the secretary of state a copy of the list of persons disqualified because of a conviction of misdemeanor theft or a felony in the preceding month.

The bill repeals Section 62.0132(b) of the Government Code, which requires a written jury summons to include a copy of OCA’s jury questionnaire or the court’s web address where the questionnaire can be easily printed.

Court Reporters and Interpreters. H.B. 3474 adds Subsection (b) to Section 52.041 of the Government Code permitting judges of two or more courts of record that are not located in the same judicial district to jointly appoint by agreement an official court reporter to serve the courts, provided each court is located in a county with a population of 125,000 or less according to the 2020 federal decennial census. New Subsection (c) similarly permits two or more judges of courts of record to appoint a certified shorthand reporter to serve each court as an official court reporter of the court.

The bill amends the definition of “certified

court interpreter” in Section 57.001(1) of the Government Code to include a person who is qualified in accordance with the communication access real-time translation (CART) services eligibility requirements established by the Office of Deaf and Hard of Hearing Services of the Health and Human Services Commission. The amended definition in Section 57.001(9) of “certified CART provider” is also broadened.

H.B. 3474 amends Section 154.105 of the Government Code providing that a certified shorthand reporter may administer oaths to a witness without being at the same location as the witness

H.B. 4504

Subject: Non-Substantive Revision of Certain Provisions of the Code of Criminal Procedure
Effective: January 1, 2025

The Texas Legislative Council (TLC) is required by Section 323.007 of the Government Code to carry out a complete non-substantive revision of Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable—all toward promoting the stated purpose of making the statutes “more accessible, understandable, and usable” without altering the sense, meaning, or effect of the law. In 1965, the TLC adopted a long-range plan of compiling the law into subject-matter codes. When the program is complete, all general and permanent statutes will be included in one of 27 codes.

H.B. 4504 is a revision of the Code of Criminal Procedure, purportedly without alteration or substantive change. It revises chapters governing general duties of officers, venue, change of venue, municipal and justice courts, and expunction of criminal records.

TMCEC: The last time Chapter 45 of the Code of Criminal Procedure got a “non-substantive” reorganization was 1999. Readers with more than 25 years of experience in municipal courts will remember the renumbering of Chapter 45 and the potential for inadvertent frustration that

accompanies statutory housekeeping. If you are new to municipal courts, you may not want to exert too much time or energy memorizing the article numbers and headings in Chapter 45 because they will soon be recast. The new Chapter 45A will include all the statutes from Chapter 45, albeit in a modified form. It will be divided into ten subchapters labeled A through J and categorized by subject matter. For those of you who are not excited about Chapter 45A and all that it entails, please know that you are not alone. Rest assured that during the lead up to January 1, 2025, TMCEC will be hard at work to ensure that municipal courts are ready to transition to Chapter 45A.

S.B. 338

Subject: Use of Hypnotically Induced Statements in a Criminal Trial
Effective: September 1, 2023

Hypnosis has been used as a forensic tool in Texas since the 1980s. In 1987, the legislature charged the Texas Commission on Law Enforcement (TCOLE) with implementing forensic hypnosis training and testing for law enforcement. The course’s handbook has not been updated since the training was established in the 1980s.

However, scientific studies have found the use of hypnosis to produce an alarming amount of unreliable eyewitness identification testimony. Rather than increase the accuracy of eyewitness recall and recognition, Johns Hopkins Medicine has warned that hypnosis does not work as a memory recovering method and leads witnesses to be more confident in their memories, even when they are false.

S.B. 338 adds Article 38.24 to the Code of Criminal Procedure making statements inadmissible against a defendant in a criminal trial if those statements were made during a hypnotic investigation session performed by a law enforcement agency.

S.B. 409

Subject: Rights Afforded to Victims of Stalking and Indecent Assault
Effective: September 1, 2023

Survivors of sexual assault and related sex crimes can face institutional barriers that may deny them information about the status of cases in a timely manner, or consultation when a case is dismissed

or pled to a lower offense. A recent report by the Institute on Domestic Violence and Sexual Assault at The University of Texas at Austin stated that a survivor’s negative experience with a governmental institution had profound effects on their ability to participate in the criminal justice system, access services, and heal from sexual violence.

S.B. 409 adds victims of stalking (Article 42.072 of the Penal Code) and indecent assault (Article 22.012 of the Penal Code) to those afforded rights under Article 56A of the Code of Criminal Procedure. Additionally, amended Article 56A.052 grants a victim, or their representative, the right to be informed and confer with the prosecution about the disposition of the offense. New Article 56A.0531 provides that a victim, guardian of a victim, or close relative of a deceased victim may assert and enforce any rights from Article 56A either orally or in writing.

S.B. 1516

Subject: Habeas Corpus Procedures
Effective: September 1, 2023

Current practice for filing habeas corpus applications is to file in the county where the person has been charged or is being held. In 2022, 430 people arrested and held in Kinney County filed habeas corpus applications in Travis County. Upon the hearing of the first of the habeas corpus applications, the Travis County District Court did not transfer the habeas corpus application to a court in Kinney County or allow the Kinney County Attorney to represent the state’s interests. Ultimately, the Court of Criminal Appeals issued an opinion that the Travis County District Court could not exercise its jurisdiction outside of Travis County. S.B. 1516 makes numerous changes to Chapter 11 of the Code of Criminal Procedure clarifying aspects of the habeas corpus process, including clarification that a court located in the county in which a felony or misdemeanor case occurred or where the defendant is in custody should generally be the court that hears and rules upon a habeas corpus application.

TMCEC: S.B. 1516 is a legislative codification of *In re Smith*, 665 S.W.3d 449 (Tex. Crim. App. 2022), a case arising from Governor Abbott’s Operation Lone Star, which resulted in thousands of misdemeanor arrests in Kinney County.

S.B. 2101

Subject: Notification of Crime Victims’ Rights
Effective: September 1, 2023

In the 1980s, the legislature passed the Rights of Crime Victims Act, which includes the “right to information” regarding a victim’s case and court proceedings. Currently, police departments and other agencies that communicate with victims of crime typically only do so by mail. S.B. 2101 adds Article 56A.0525 of the Code of Criminal Procedure amending the forms of notification regarding the rights of crime victims by including an option for information pertaining to those rights to be delivered electronically by text message, videoconference, email, telephone, making personal contact, mail, or through an anonymous online portal to victims, guardians of victims, or close relatives of a deceased victim.



Substantive Criminal Law

H.B. 6

Subject: Designating Certain Deaths as Poisonings and Enhancing Penalties
Effective: September 1, 2023

In recent years, overdoses in the U.S. have increased due to production and smuggling of fentanyl, an incredibly potent synthetic opioid. H.B. 6 amends Sections 481.002 and 481.1022 of the Health and Safety Code moving certain fentanyl-related drugs from Penalty Group (PG) 1 to 1-B. The bill also amends Section 193.005 of the Health and Safety Code mandating that the medical certification on the death certificate include, as applicable, “Fentanyl Poisoning” or “Fentanyl Toxicity” as the cause of death.

Section 19.02 of the Penal Code (Murder), as amended by the bill, creates a new offense, knowingly manufacturing or delivering with intent to distribute a

PG 1-B controlled substance, if an individual died as a result of injecting, ingesting, inhaling, or introducing any amount of the controlled substance into the individual's body. H.B. 6 amends Section 71.02 of the Penal Code, adding unlawful possession with intent to deliver a PG 1-B controlled substance to the list of organized criminal activity.

The bill also increases penalties for several offenses in Chapter 481 of the Health and Safety Code (Texas Controlled Substances Act).

H.B. 28

Subject: Enhancing Punishment for Certain Conduct that Constitutes Aggravated Assault
Effective: September 1, 2023

Under current law, if the victim and perpetrator did not have a prior established relationship, the penalty for aggravated assault resulting in paralysis or a persistent vegetative state is a second degree felony. H.B. 28 amends Section 22.02(b) of the Penal Code to enhance the punishment for aggravated assault from a second degree felony to a first degree felony if the actor uses a deadly weapon during an assault that causes a traumatic brain or spine injury to another person that results in a persistent vegetative state or irreversible paralysis.

H.B. 55

Subject: Increasing the Punishment for Indecent Assault
Effective: September 1, 2023

H.B. 55 amends Section 22.012 of the Penal Code (Indecent Assault) increasing the punishment under certain circumstances. The punishment increases from a Class A misdemeanor to a state jail felony if the defendant has been previously convicted of the offense or is a health care services or mental health services provider who committed the crime during the course of providing treatment. If a health care services or mental health services provider is subsequently convicted of conduct constituting a state jail felony under Section 22.012, it is punishable as a third degree felony.

H.B. 63

Subject: Reports and Certain Preliminary Investigations of Child Abuse
Effective: September 1, 2023

H.B. 63 amends Sections 261.104, 261.201, 261.304(a), and 261.307 of the Family Code, changing the law relating to anonymous reports of child abuse or neglect and certain preliminary investigations of those reports.

Under current law, an individual is authorized to make an anonymous report to Child Protective Services, preventing the investigating authority from having any way to identify the caller. H.B. 63 prevents CPS and the Department of Family and Protective Services from accepting anonymous reports outright. Instead, it takes all reporting to a privileged confidential level so that CPS can verify the individual and their contact information on the back end.

H.B. 165

Subject: Prosecution of and Punishment for an Aggravated Assault Occurring as part of a Mass Shooting
Effective: September 1, 2023

Current law, in which four or more individuals are injured but not killed during an assault with a deadly weapon, only allows the perpetrator to be charged with a second degree felony that has a sentence range of two to 20 years, with no stacking allowed.

H.B. 165 amends Section 22.02 of the Penal Code increasing the punishment for aggravated assault, when committed as part of a mass shooting, from a second degree felony to a first degree felony. The bill clarifies the state law definition of a mass shooting in Section 1.07(a) of the Penal Code. As amended, Section 3.03 of the Penal Code permits sentences to run consecutively if in a single criminal action the defendant is found guilty of more than one offense of aggravated assault committed as part of a mass shooting. The bill adds mass shootings as an exception to the right to severance in Section 3.04 of the Penal Code.

H.B. 420

Subject: Increasing the Punishment for Providing an Alcoholic Beverage to a Minor
Effective: September 1, 2023

H.B. 420 amends current law relating to the offense of furnishing a minor with alcohol, increasing the penalty from a Class A misdemeanor to a state jail felony if it is shown in trial that the minor's impairment from the consumption of the alcohol caused another person to suffer serious bodily injury or death.

Called "Kyle and Ethan's Law," the Act is named for an incident in which a teenager was provided alcohol by another child's parent and subsequently drove home, killing himself and another passenger in the car due to impaired driving. The adult who provided the alcohol could only be charged with up to a Class A misdemeanor.

H.B. 420 reenacts and amends some of the language defining the offense in Section 106.06(a) of the

Alcoholic Beverage Code (amended by S.B. 55 and H.B. 1445 in 1993). It also updates Section 106.06 of the Alcoholic Beverage Code by amending Subsection (c) and adding Subsections (c-1) and (c-2), making the offense a state jail felony if the person provides alcohol to a minor and the minor causes another death or bodily injury as a result of consuming the alcohol.

H.B. 598

Subject: Criminal Offense for Possession of an Animal by Persons Previously Convicted of an Offense Involving Animal Cruelty
Effective: September 1, 2023

H.B. 598 amends Section 42.107 of the Penal Code creating a Class C misdemeanor for individuals who possess or exercise control over an animal and, within the five-year period preceding the date of the instant offense, has been previously convicted of certain animal cruelty offenses, including: (1) an attack on an assistance animal (Section 42.091); (2) cruelty to non-livestock animals (Section 42.092); (3) dog fighting (Section 42.10); (4) cockfighting (Section 42.105); or (5) a federal law or penal law of another state containing substantially similar elements. Subsequent convictions under Section 42.107 are enhanceable to a Class B misdemeanor.

H.B. 611

Subject: Criminalizing Unlawful Disclosure of Residence Address or Telephone Number
Effective: September 1, 2023

Internet crime is a growing problem. One issue is “doxing,” gathering a person’s personal identifying information and posting it publicly without permission. Doxing, which by current law is largely legal, is used for online harassment, including stalking and intimidation. National studies show it can have a chilling effect on free speech. H.B. 611 seeks to help protect the privacy, free speech, and safety of Texans online.

H.B. 611 adds Section 42.074 of the Penal Code, creating an offense if a person posts on a publicly accessible website the residence address or telephone number of an individual with the intent to cause harm or a threat of harm to the individual or a member of the individual’s family or household. This offense is a Class B misdemeanor, unless it results in the bodily injury of the victim or the victim’s family, then it is a Class A misdemeanor.

The bill also establishes the circumstances constituting prima facie evidence of the intent to cause harm or a threat of harm. If conduct constituting the offense would also constitute a retaliation offense against

public administration, the actor could be prosecuted for either offense, but not both.

H.B. 969

Subject: Local Regulation to Enforce Child Custody Violations
Effective: September 1, 2023

To address increasing case backlogs related to child custody violations, H.B. 969 adds Section 157.551 of the Family Code, authorizing municipalities and counties to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for engaging in conduct described by Section 25.03 of the Penal Code (Interference with Child Custody). This penalty, enacted as an optional ordinance or order, will serve to deter child custody order violations such as improperly possessing a child.

H.B. 1163

Subject: Creating Criminal Offense of Boating while Intoxicated with Minor Passenger
Effective: September 1, 2023

H.B. 1163 adds Section 49.061 of the Penal Code creating the offense of boating while intoxicated with a child passenger 15 or under, punishable as a state jail felony. It also changes the eligibility rules for deferred adjudication community supervision.

The new offense can be enhanced to a third-degree felony based on prior convictions for similar intoxication-related offenses, making it comparable to a DWI with a child passenger. Amended Section 106.041(g) of the Alcoholic Beverage Code provides that the offense is not a lesser included offense under Section 49.061.

H.B. 1163 revises several provisions of the Code of Criminal Procedure. The bill amends Articles 18.01(j) and 18.067 authorizing the execution of a warrant for a blood specimen in an intoxication offense under Section 49.061. As amended Article 17.441 of the Code of Criminal Procedure includes Section 49.061 as an offense requiring a magistrate to order an ignition interlock device installed on the motor vehicle most driven by the defendant. H.B. 1163 amends Chapter 42A of the Code of Criminal Procedure allowing a court to require the installation of an interlock device as a condition of community supervision for Section 49.061, and in certain instances such an installation must be imposed.

The statute also amends Sections 524.011(a), 524.015(b), 524.022(b), 524.023, 524.042(a), and 724.012(b) of the Transportation Code, incorporating new Section 49.061 in sections related to arrests, driver’s license suspensions, and appeals.

H.B. 1427

Subject: Prosecution of Harassment

Effective: September 1, 2023

H.B. 1427 closes a harassment loophole regarding disposable “burner” phones in Section 42.07(a) of the Penal Code. The bill expands the offense of harassment to include making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number.

H.B. 1553

Subject: Definition of Amusement Ride for Purposes of Regulation

Effective September 1, 2023

H.B. 1553 addresses waterslide operators that are subject to the same inspection and permitting requirements as large rollercoasters, which can be cost prohibitive. The bill amends Section 2151.002(1) of the Occupations Code providing that the term “amusement ride” does not include a waterslide, even if operated by a mechanical device in which passengers are carried along a course, that is less than 200 feet in length, is substantially constructed from vinyl or vinyl coated polyester, and is not mechanically inflated using a continuous airflow device.

TMCEC: Note that Chapter 49 of the Penal Code (Intoxication and Alcoholic Beverage Offenses) incorporates the definition of “amusement ride” assigned by Section 2151.002 of the Occupations Code. Under Section 40.065, assembling or operating an amusement ride while intoxicated is a Class B misdemeanor. H.B. 1553 also affects the applicability of insurance requirements under Chapter 2151 of the Occupations Code for local governments.

H.B. 1730

Subject: Increasing the Punishment for Subsequent Offenses of Indecent Exposure

Effective: September 1, 2023

H.B. 1730 enhances the punishment for indecent exposure under Section 21.08 of the Penal Code from a Class B misdemeanor to a Class A misdemeanor if the defendant has been previously convicted of such an offense. The punishment for indecent exposure is enhanceable to a state jail felony if it is shown at trial that the defendant has been convicted of that offense two or more times.

H.B. 1833

Subject: Increasing the Punishment for Criminal Mischief Involving a Public Power Supply

Effective: September 1, 2023

The U.S. Department of Energy reported that attacks on electrical substations have increased each year since 2017. H.B. 1833 amends Section 28.03 of the Penal Code (Criminal Mischief) increasing the punishment from a state-jail felony to a third-degree felony for impairing or interrupting a property used for power supply or causing a public power supply to be diverted. The bill also increases the maximum amount of a relevant pecuniary loss for the associated penalty from \$30,000 to \$150,000.

H.B. 1910

Subject: Presumption for the Offense of Forgery

Effective: September 1, 2023

H.B. 1910 amends Section 32.21 of the Penal Code (Forgery) adding a presumption that a person in possession of forged money intended to use its entire value to obtain property or services.

H.B. 2187

Subject: Abandoning or Endangering an Elderly or Disabled Individual

Effective: September 1, 2023

To hold accountable those who take advantage of vulnerable populations, H.B. 2187 amends Section 22.041 of the Penal Code creating the criminal offense of abandoning or endangering an elderly individual or disabled individual.

H.B. 2187 also makes conforming changes to references to Section 22.041 in the following provisions: Article 12.01 of the Code of Criminal Procedure (Felonies), Sections 201.062 (Treatment of Certain Parent-Child Relationships) and 1104.353 (Notoriously Bad Conduct; Presumption Concerning Best Interest) of the Estates Code, Sections 161.001 (Involuntary Termination of Parent-Child Relationship) and 262.2015 (Aggravated Circumstances) of the Family Code, Section 250.006 of the Health and Safety Code (Convictions Barring Employment), and Section 301.4535 of the Occupations Code (Required Suspension, Revocation, or Refusal of License for Certain Offenses).

H.B. 2306

Subject: Voyeurism by Electronic Means

Effective September 1, 2023

To update current law, which is outdated in light of modern technology such as drones or hidden cameras, H.B. 2306 amends Section 21.17 of the Penal Code (Voyeurism), providing that a person commits this offense if he or she observes remotely through the use of electronic means.

H.B. 2700

Subject: Sexually Explicit Visual Material Involving Children

Effective: September 1, 2023

To address deepfake technology and artificial intelligence, which allows individuals to create sexually explicit visual material of another person, H.B. 2700 clarifies the conduct that constitutes the following offenses involving a minor or a child younger than 18 years of age: Section 43.26 (Possession or Promotion of Child Pornography), 43.261 (Electronic Transmission of Certain Visual Material Depicting Minor), and 43.262 (Possession or Promotion of Lewd Visual Material Depicting Child) of the Penal Code.

As amended, prohibited visual material includes a depiction of a child or minor: (1) who was recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and (2) whose image as a child younger than 18 years old or a minor respectively was used in creating, adapting, or modifying the visual material, including computer-generated visual material that was created, adapted, or modified using an artificial intelligence application or other computer software.

H.B. 2897

Subject: Theft of Service

Effective: September 1, 2023

To alleviate confusion, H.B. 2897 addresses filing a criminal complaint for theft of service cases that involve payment with a hot check by reconciling the notice requirements for establishing theft by check. Specifically, the bill amends Section 31.041(c) of the Penal Code expanding the eligible sources of mailing addresses that are required for an individual attempting to send the demand for payment notice necessary to establish a theft of service offense. Allowable mailing address sources include records of the person whose service was secured, or if the actor secured performance of service by issuing or passing a check or similar sight order for the payment of money, the actor's address shown on the check or order, or on the records of the bank or other drawee on which the check or order was drawn.

H.B. 3025

Subject: Extending the Statute of Limitations for Certain Offenses Involving a Child

Effective: September 1, 2023

H.B. 3025, Bianca's Law, adds interference with child custody under Section 25.03(a)(3) of the Penal Code to the list of felonies in Article 12.01 of the Code of

Criminal Procedure with no limitation period for filing indictments. The bill also extends the limitation period for filing indictments for kidnapping and aggravated kidnapping to 20 years from the victim's 18th birthday if the victim was younger than 17 years old at the time of the kidnapping. For aggravated kidnapping, the bill removes the condition that the defendant kidnapped the child with the intent to violate or abuse the victim sexually.

The bill also adds Subsection 25.03(e) of the Penal Code, providing that if conduct also constitutes the offense of kidnapping, the offender could be prosecuted only for kidnapping.

H.B. 3065

Subject: Taking of Wildlife by an Employee of the Parks and Wildlife Department or by a Person or Agent of the Person on the Person's Property

Effective: September 1, 2023

H.B. 3065 amends Section 12.013 of the Parks and Wildlife Code to authorize an employee of the Parks and Wildlife Department (TPWD) acting within the scope of the employee's authority to discharge a firearm to take wildlife on a public road or right-of-way if the wildlife is mortally injured or behaving in a manner consistent with the wildlife being diseased. It also authorizes a person (who is not an employee of TPWD) or an agent of that person to take wildlife on the person's property if the person has written authorization from TPWD and is participating under the supervision of a TPWD employee in a program or event designated by the executive director of TPWD as being conducted for the diagnosis, management, or prevention of a disease in wildlife. The Parks and Wildlife Commission may adopt rules to implement these provisions.

H.B. 3065 amends Section 62.003(B) of the Parks and Wildlife Code (hunting from a public road or right-of-way) and Section 42.01(a)(9) of the Penal Code (discharging a firearm on or across a public road) making those provisions inapplicable to a TPWD employee acting under Section 12.013(c) of the Parks and Wildlife Code.

H.B. 3075

Subject: Creating a Criminal Offense for Operating Certain Unmanned Aircraft

Effective: September 1, 2023

In March 2022, the U.S. District Court for the Western District of Texas ruled much of the Texas Use of Unmanned Aircraft statutes (Chapter 423 of the Government Code) unconstitutional. H.B. 3075

addresses resulting security concerns by restricting the unauthorized operation of unmanned aircraft over correctional facilities and detention facilities.

H.B. 3075 adds 38.115 of the Penal Code creating a criminal offense for operating an unmanned aircraft over a correctional or detention facility under certain circumstances. An offense under this section is a Class B misdemeanor. The offense is enhanceable to a Class A misdemeanor if the actor has previously been convicted of this offense. The offense is a state-jail felony if during the commission of the offense, the actor used the unmanned aircraft to provide contraband to a person in the custody of the correctional facility or detention facility or otherwise introduced contraband into the correctional facility or detention facility.

The bill removes all references to “correctional facilities” and “detention facilities” in Chapter 423 of the Government Code.

H.B. 3660

Subject: Animal Population Control and Trap-Neuter-Return Programs

Effective: September 1, 2023

H.B. 3660 amends Section 42.092(a) of the Penal Code adding Subdivisions (9) and (10) to define “Trap-Neuter-Return Program” (TNR) and “veterinarian.” It also adds Subsections (e-1) and (e-2) providing defenses to prosecution for persons who bring in animals as part of a TNR program, then release or return them pursuant to the program or according to Texas wildlife laws and regulations. This allows TNR programs to achieve their long-term population control goals without fear of prosecution for animal cruelty.

H.B. 4164

Subject: Improper Use of an Assistance or Service Animal

Effective: September 1, 2023

Concerns have been raised that non-disabled people misrepresenting dogs as service animals can lead to the exploitation and weakened credibility of service animals that people with disabilities legitimately need.

H.B. 4164 amends Section 121.006 of the Human Resources Code removing language stating that conduct constituting an offense includes a person using a service animal with a type of harness or leash commonly used by persons with disabilities who use trained animals in order to represent that their animal was a specially trained service animal when training has not in fact been provided.

Instead, the bill specifies that the conduct constituting an offense includes a person intentionally or knowingly representing that an animal is an assistance or service

animal when the animal was not specially trained or equipped to help a person with a disability.

The bill increases the maximum fine for this Class C misdemeanor from \$300 to \$1,000. The bill also subjects a person who habitually abuses, neglects to feed, or otherwise neglects to properly care for the person’s service animal to seizure of the animal.

H.B. 4337

Subject: Adding Foreign Government Records to Certain Perjury Offense Provisions

Effective: September 1, 2023

Currently, prosecutors across Texas do not have a clear mechanism for adjudicating an offense involving tampering with a governmental record as it pertains to persons in possession of a fictitious commercial driver’s license from Mexico or other foreign documents. H.B. 4337 amends Section 37.01 of the Penal Code classifying a license, certificate, permit, seal, title, letter of patent, or similar document issued by an applicable foreign government as a governmental record for purposes of offenses related to perjury and other falsification.

H.B. 4635

Subject: Organized Crime, Racketeering Activities, and Collection of Unlawful Debts

Effective: September 1, 2023

Texas has laws that address organized crime. However, law enforcement entities lack statutory authority to target the lifeblood of criminal enterprises, their financial assets. H.B. 4635 establishes provisions relating to civil actions and remedies for organized crime, racketeering, and unlawful debt collection offenses and the filing of racketeer-influenced and corrupt organization (RICO) liens with respect to such offenses.

The bill amends Title 6 of the Civil Practice and Remedies Code creating a new Chapter 140B governing civil actions related to racketeering and unlawful collection of debts. This chapter allows the Attorney General or a local prosecutor to bring such civil actions in a district court and creates corresponding, nonexclusive procedures. New Section 140B.061 creates an offense, punishable as a Class A misdemeanor, related to deliberate noncompliance with a civil investigative demand under Subchapter B (Civil Investigative Authority). New Subchapter C (Civil Remedies) creates processes for civil forfeiture and seizure

of certain property and relief specifically available to the Attorney General.

H.B. 4635 amends Chapter 12 of the Code of Criminal Procedure adding Section 12.015, which creates a five-year statute of limitations for felony RICO violations. The statute creates a two-year tolling provision if the Attorney General files a civil action under Chapter 140B.

H.B. 4635 amends Section 71.02 of the Penal Code adding unlawful possession with intent to deliver a controlled substance or dangerous drug to the list of predicate offenses for criminal RICO violations.

The bill also adds Chapter 72 to the Penal Code, defining the offense of Racketeering and Unlawful Debt Collection and several new felony and Class A and B misdemeanor offenses.

New Chapter 68 of the Property Code creates a RICO lien, related procedures, and a Class B misdemeanor for trustees of property subject to a RICO lien or a civil action under Chapter 140B of the Civil Practice and Remedies Code who violate new Section 68.057.

H.B. 4758

Subject: Prohibition of Certain E-Cigarette Products Marketed for Minors
Effective: January 1, 2024

H.B. 4758 amends Chapter 161 of the Health and Safety Code adding Section 161.0876, which prohibits certain e-cigarette products. The new section defines a Class B misdemeanor for marketing, advertising, or selling an e-cigarette product in a container that depicts a cartoon-like fictional character aimed at entertaining minors, imitates or mimics trademarks or trade dress of products primarily marketed to minors, includes a symbol primarily used to market to minors, the image of a celebrity, or an image that includes a food product, including candy or juice.

S.B. 129

Subject: Prosecution and Punishment for Possession or Promotion of Child Pornography
Effective: September 1, 2023

S.B. 129 amends Section 43.26 of the Penal Code to modify the punishment ranges and offense levels for the offense of possession or promotion of child pornography under that statute. As amended, the statute creates a distinction in punishment for possession of material with less than 100 visual depictions of a child (third degree felony), more than 100 but fewer than 500 (second degree felony), and more than 500 visual depictions of a child (first degree felony). Amended Section 43.26 also makes it a felony punishable by life imprisonment, or 25-99 years, if the person convicted

was an employee at a child-care facility, residential treatment facility established under Section 221.056 of the Human Resources Code, an employee at a shelter providing services to youth and that receives state funds or received state funds for the care of a child depicted by the visual material. The amendment also increases the punishment for any offense involving depictions of a child younger than 10 years. These changes affect the punishment for offenses committed after September 1, 2023.

The bill also amends Article 12.01 of the Code of Criminal Procedure providing a seven-year statute of limitations for an offense under Section 43.26 of the Penal Code. If an offense was time-barred by the statute of limitations in effect before September 1, 2023, it remains barred after September 1, 2023.

S.B. 189

Subject: Creation of a Criminal Offense for Failure to Report Abuse or Mistreatment of Residents of Group Homes
Effective: September 1, 2023

S.B. 189 adds Section 260.0091 to the Health and Safety Code, creating a Class A misdemeanor for the owner of a building that is leased to a residential home who has actual knowledge that a resident of a residential home is being or has been abused, neglected, or exploited, and fails to report that abuse, neglect, or exploitation to the Department of Family and Protective Services. Exceptions include if the injury occurs in a hotel, retirement community, monastery or convent, child-care facility, family violence shelter, or a sorority or fraternity house.

S.B. 224

Subject: Catalytic Converters, Including Criminal Conduct and Creating an Administrative Penalty
Effective: May 29, 2023 (Sections 3.01 and 3.06 take effect July 1, 2023)

To address rising thefts of catalytic converters and associated crime rings, S.B. 224, the Deputy Darren Almendarez Act, amends several statutes and criminal and administrative processes related to punishing the theft of catalytic converters.

S.B. 224 amends Section 31.03 of the Penal Code creating a presumption of theft for a person who possesses one or more catalytic converters which have been removed from a motor vehicle, does not own the vehicle from which the catalytic converter was removed, and does not possess the catalytic converter in the ordinary course and scope of the person's business. Subsection (e), as amended, makes it a state jail felony if the cost of replacing the property stolen

is less than \$30,000 and a catalytic converter. New Subsection 31.03(f-1) also provides that an offense involving theft of a catalytic converter is enhanced to the next higher category of offense if the person also possessed a firearm during the commission of the offense.

S.B. 224 amends Section 28.03 of the Penal Code (Criminal Mischief) raising the offense of destruction or damage to a motor vehicle during theft or attempted theft of a catalytic converter to a state jail felony.

S.B. 224 adds Section 31.21 of the Penal Code, creating an offense for intentional or knowing possession of a catalytic converter removed from a vehicle, if the person is not an authorized possessor of the catalytic converter because of ownership of the vehicle from which it was removed, or in the ordinary course and scope of the person's employment. The statute includes a presumption that mirrors the presumption under amended Section 31.03. An offense under this new section is a state jail felony. It is enhanceable to a third degree felony if it is shown on the trial of the offense that the person has been previously convicted of this offense, conspired to commit an offense under Section 28.03 (Criminal Mischief) or 31.03 (Theft) with respect to a catalytic converter, or possessed a firearm during the commission of the offense. A person may be prosecuted under this section, another applicable law, or both.

S.B. 224 amends Section 71.02 of the Penal Code to add unauthorized possession of a catalytic converter and criminal mischief related to a catalytic converter to the list of offenses which may constitute organized criminal activity.

S.B. 224 amends Chapter 1956 of the Occupations Code (Metal Recycling Entities) to specify regulations for metal recycling entities that process and recycle catalytic converters and require a declaration to be filed with the state for any such metal recycler. The bill also creates new Subchapter C-1 in Chapter 1956, regulating the purchase of catalytic converters removed from vehicles. These provisions take effect later than the remainder of the Act, on July 1, 2023.

S.B. 224 amends Chapter 2305 of the Occupations Code prohibiting motor vehicle shops, garages, and used motor vehicle sellers from buying or selling catalytic converters which have been removed from vehicles in connection with the repair of a motor vehicle. S.B. 224 adds Subchapter D to Chapter 2305 requiring persons who repair, remove, or sell catalytic converters to keep records of such repair, removal, or sale. Failure to keep records of the repair, removal, or sale is a Class A misdemeanor.

S.B. 386

Subject: Prosecution of a Capital Murder Committed Against a Peace Officer or Fireman
Effective: September 1, 2023

S.B. 386, the Richard Houston II Act, amends Section 19.03 of the Penal Code related to the prosecution of a capital murder offense committed against a peace officer or fireman who was acting in the lawful discharge of an official duty. The actor is presumed to have known the person murdered was a peace officer or fireman if the person was wearing a distinctive uniform or badge identifying the person as such.

S.B. 497

Subject: Processing and Sale of Kratom and Kratom Products
Effective: September 1, 2023

Kratom, also known by its scientific name *mitragyna speciosa*, is a tropical evergreen tree in the coffee family indigenous to southeast Asia, most notably Indonesia. The leaves of the kratom tree have long been used medicinally in traditional remedies and have grown in popularity worldwide in the last few decades. It is most commonly consumed by chewing the leaves or brewing them into tea. In low doses, kratom reportedly has similar effects to caffeine, including boosted energy, greater focus, etc. In higher doses, however, kratom has been employed as a non-opioid pain reliever for acute or chronic pain.

As kratom use grew, especially in the late 2000s and early 2010s, some evidence emerged that kratom overdoses led to deaths, which increased federal scrutiny. Adulterated kratom—which has been “strengthened” chemically by addition or manipulation—can be harmful, necessitating some regulation of the product's sale. The current consensus is that pure kratom is not harmful.

S.B. 497, the Texas Kratom Consumer Health and Safety Protection Act. Adds Chapter 444 of the Health and Safety Code, establishing a base level of regulation on the manufacture, distribution, and sale of kratom in Texas. Regulations include label requirements and prohibit the sale of adulterated or contaminated kratom.

Section 444.004 of the Health and Safety Code creates a new Class C misdemeanor if a person distributes, sells, or exposes for sale a kratom product to an individual younger than 18 years of age.

S.B. 576

Subject: Financial Abuse of Elderly Individuals
Effective: September 1, 2023

S.B. 576 amends Section 32.55 of the Penal Code (Financial Abuse of Elderly Individual) creating a rebuttable presumption that any transfer, appropriation, or use of an elderly individual's money or other property by a paid or unpaid caregiver was wrongful if it is shown during the trial of the offense that the actor knew or should have known that, at the time of the offense, the elderly individual had been diagnosed with dementia, Alzheimer's disease, or a related disorder.

The bill also adds Section 48.2535 of the Human Resources Code creating a duty of the Department of Family Protective Services (DFPS) to immediately notify an appropriate law enforcement agency of a report of alleged abuse or exploitation that DFPS believes constitutes an offense of financial abuse of an elderly individual, regardless of whether the report alleges conduct that constitutes abuse or exploitation under Subchapter F of the Human Resources Code.

S.B. 576 includes an investigation under Section 32.55 of the Penal Code in the requirement for the Department of Family Protective Services (DFPS) to follow established procedures for notifying an appropriate law enforcement agency under Section 48.1522(a) of the Human Resources Code.

S.B. 840

Subject: Increasing the Punishment for Assault of Certain Hospital Personnel
Effective: September 1, 2023

S.B. 840, the Jacqueline "Jackie" Pokuaa and Katie "Annette" Flowers Act, amends Section 22.01(b) of the Penal Code increasing the punishment for assaulting certain hospital personnel from a Class A misdemeanor to a third degree felony. The bill targets offenses that take place while a worker or workers are on duty at the medical facility where they are employed. The bill amends Section 22.01(e) of the Penal Code adding Subsection (1-a) to define "hospital personnel."

S.B. 947

Subject: Creating a Criminal Offense for Damaging Certain Critical Infrastructure
Effective: September 1, 2023

To address increased attacks, S.B. 947 adds Section 28.09 of the Penal Code creating the offense of damaging a critical infrastructure facility. A "critical infrastructure facility" is defined as an electrical power generating facility, substation, switching station, electrical control center, or electrical transmission or distribution facility. A person commits an offense if, without the effective consent of the owner or operator of a critical infrastructure facility, the person

intentionally or knowingly damaged, destroyed, vandalized, or impaired the function of a critical infrastructure facility and, as a result of such conduct, caused a power outage that lasted two hours or more or affected 1,000 or more meters used to measure electric energy consumption. This offense is a second degree felony, enhanceable to a first-degree felony if the amount of pecuniary damage to the facility was \$100,000 or more or if the actor used a firearm, drone, cyber-attack, or explosive weapon in the commission of the offense.

S.B. 947 amends Section 19.04 of the Penal Code (Manslaughter) enhancing the punishment from a second degree felony to a first degree felony if the person damaged a critical infrastructure facility and caused the death of an individual.

S.B. 997

Subject: Publication of Certain Photographs of Human Remains
Effective: September 1, 2023

S.B. 997, the Kobe and Gianna Bryant Act, adds Chapter 672A of the Health and Safety Code (Prohibited Publication of Certain Photographs of Human Remains). New Section 672A.002 of the Health and Safety Code prohibits an individual from publishing a photograph of human remains that the individual obtained while acting within the course and scope of the individual's duties as an officer or employee of this state or a political subdivision of this state. A photograph is considered to have been published if the photograph is: (1) displayed to an unauthorized person; (2) released to an unauthorized person by any delivery method, including text message, e-mail, or facsimile; (3) posted on a social media platform; or (4) sold to a news publication.

S.B. 997 adds 672A.003 subjecting an individual who violates Section 672A.002 to a civil penalty in an amount not to exceed \$10,000 for each violation. A defendant may not assert official immunity as a defense in an action brought under this section.

S.B. 1004

Subject: Creating the Criminal Offense of Tampering with an Electronic Monitoring Device
Effective: September 1, 2023

S.B. 1004 adds Section 38.112 of the Penal Code providing that a person who is required to submit to electronic monitoring of the person's location as part of an electronic monitoring program under Article 42.035 of the Code of Criminal Procedure (Electronic Monitoring; House Arrest), or as a condition of community supervision, parole, mandatory

supervision, or release on bail commits an offense if the person knowingly removes or disables, or causes or conspires or cooperates with another person to remove or disable, a tracking device that the person is required to wear to enable the electronic monitoring of the person's location. This offense is a state jail felony, except that the offense is a third degree felony if the person is in the super-intensive supervision program described by Section 508.317(d) of the Government Code. Section 38.112 does not apply to the removal or disabling of a tracking device by a health care provider, as defined by Section 161.201 of the Health and Safety Code, due to medical necessity.

The bill also amends Article 42.08 of the Code of Criminal Procedure adding Subsection (b-1) related to sentencing a defendant convicted of an offense under Section 38.112 of the Penal Code.

S.B. 1179

Subject: Civilly Committed Sexually Violent Predators

Effective: September 1, 2023

The Texas Civil Commitment Office (TCCO) provides treatment and supervision to their clients who have been civilly committed as sexually violent predators. S.B. 1179 addresses administrative challenges that regularly hinder the effectiveness of TCCO's treatment and supervision programs.

Safety and Security Issues. S.B. 1179 amends Section 20.02 of the Penal Code (Unlawful Restraint) making it an offense for a civilly committed sexually violent predator to restrain another person while civilly committed to a civil commitment facility. The bill amends Section 21.07 (Public Lewdness) and 21.08 (Indecent Exposure) of the Penal Code making those offenses a third degree felony if the perpetrator is a civilly committed sexually violent predator.

The bill amends Subsection 38.11 of the Penal Code specifying that it is an offense to possess alcohol inside a civil commitment facility, possess an unauthorized cell phone inside a civil commitment facility, or to provide an unauthorized cell phone to a person in a civil commitment facility.

S.B. 1179 adds Section 39.041 of the Penal Code creating a new third degree felony for improper sexual activity with a committed person by a TCCO employee or contractor.

The bill amends the mechanical and chemical restraint provisions in Chapter 841 of the Health and Safety Code providing separate requirements for the two types of equipment.

Administrative and Legal Issues. S.B. 1179 clarifies in Article 13.315 of the Code of Criminal Procedure that a felony offense committed by a person civilly committed can be prosecuted in the county in which the offense occurs or in the court that retains jurisdiction over the civil commitment proceeding.

The bill amends the Sex Offender Registration provisions in Chapter 62 of the Code of Criminal Procedure to clarify the registration process for a civilly committed sexually violent predator and to permit TCCO access to the Department of Public Safety's secure information sharing site regarding sex offender registration.

Added Chapter 14A of the Civil Practice and Remedies Code provides limitations on frivolous lawsuits filed by civilly committed sexually violent predators. Section 14A.061 requires the Supreme Court of Texas by rule to adopt a system under which a court may refer a suit governed by that chapter to a magistrate for review and recommendation.

New Chapter 78B of the Civil Practice and Remedies Code clarifies that local police, fire, or EMS are not required to conduct wellness checks inside the facility; TCCO may conduct wellness checks.

The bill adds Section 411.0092 of the Government Code giving the Department of Public Safety primary jurisdiction to investigate felonies committed by a civilly committed person.

S.B. 1179 amends the Public Information Act adding Section 552.1345, which exempts from disclosure information related to a civilly committed sexually violent predator.

Mental Health Issues. S.B. 1179 amends Chapter 841 of the Health and Safety Code adding Subchapter I regarding obtaining a court order for the administration of psychotropic medications to a civilly committed sexually violent predator at a civil commitment facility.

S.B. 1308

Subject: Operating Unmanned Aircraft over Airports and Military Installations

Effective: September 1, 2023

S.B. 1308 adds Section 42.15 of the Penal Code creating an offense if a person intentionally or knowingly: (1) operates an unmanned aircraft over an airport or military installation; (2) allows an unmanned aircraft to make contact with an airport or military installation; or (3) operates an unmanned aircraft in a manner that interferes with the operations of or causes a disturbance to an airport or military installation.

It is a defense to prosecution if this conduct was engaged in by certain individuals or entities, including a law enforcement agency or a governmental entity. The offense is a Class B misdemeanor. Subsequent offenses are punishable as a Class A misdemeanor.

TMCEC: S.B. 1308 fills a gap created by a federal lawsuit involving Chapter 423 of the Government Code (Use of Unmanned Aircraft), which was found unconstitutional. The bill removes all references to airports and military installations from Chapter 423. See the summary of H.B. 3075 for similar amendments related to operating unmanned aircraft over correctional facilities.

S.B. 1346

Subject: Littering Offenses

Effective: September 1, 2023

To address increased littering, primarily by corporations, S.B. 1346 amends Section 365.012 of the Health and Safety Code (Illegal Dumping; Discarding Lighted Materials; Criminal Penalties) making Chapter 15 of the Penal Code (Preparatory Offenses) applicable to an offense under that section.

The bill provides local authorities with the power to prosecute individuals who order the disposal of unwanted materials in addition to those who are actually dumping the unwanted material.

TMCEC: Note that Section 365.012 includes a Class C misdemeanor if the litter or other solid waste to which the offense applies weighs five pounds or less or has a volume of five gallons or less.

S.B. 1361

Subject: Producing Explicit Videos Using Certain Technology

Effective: September 1, 2023

With the rapid expansion of artificial intelligence, technology is now being used to create “deep fake” pornography. Deep fake pornography takes the likeness of one person and digitally alters it to look like someone else and inserts it into a pornographic video. To address associated concerns, S.B. 1361 adds Section 21.165 of the Penal Code creating an offense if a person knowingly produces or distributes by electronic means a deep fake video that appears to depict the person with the person’s intimate parts exposed or engaged in sexual conduct, without the effective consent of the person appearing to be depicted. The offense is a Class A misdemeanor.

S.B. 1376

Subject: Employment Preference for Members of the Military and their Spouses for Positions at State Agencies

Effective: September 1, 2023

To address veteran unemployment, S.B. 1376 expands employment preference requirements. It amends Section 656.027 of the Government Code requiring the Texas Workforce Commission (TWC) to include on all forms relating to state agency employment that are prescribed by TWC notice that each state agency must give a military employment preference until the agency workforce is composed of at least 20 percent individuals who qualify for a military employment preference under Section 657.002.

The bill also amends Section 657.002 of the Government Code allowing the spouse of an active member of the armed forces or Texas National Guard to claim the employment preference and the spouse of a veteran to claim the preference if the veteran is unable to use it. The bill makes corresponding changes to other provisions in Chapter 657.

S.B. 1376 amends 32.54 of the Penal Code (Fraudulent or Fictitious Military Record) expanding the offense in Subsection (2)(B)(ii) to fraudulently attempting to qualify for a military employment preference. This offense is a Class B misdemeanor.

S.B. 1518

Subject: Creating State Offenses Related to Terrorism and a Terrorist Offender Registry

Effective: September 1, 2023

S.B. 1518 adds Chapter 65 of the Code of Criminal Procedure creating a Terrorist Offender Registration Program, the first of its kind in the nation. New Article 65.102 creates a third degree felony (enhanceable to a second degree felony under certain circumstances) if a person is required to register and intentionally or knowingly fails to comply with any requirements of Chapter 65. Article 65.008 gives general immunity from liability for good faith conduct under Chapter 65 to certain officials, including members of the judiciary.

The bill requires a person convicted or adjudicated for the following offenses to register as a terrorist offender: (1) a terroristic offense under the bill; (2) certain federal laws relating to terrorism; or (3) an offense against the Uniform Code of Military Justice, against a state or territory of the United States, or against a foreign county, where the offense contained elements that were substantially similar to the elements of the previously mentioned offenses. The provisions relating to the terrorist offender registration program apply only to a reportable conviction or adjudication that occurs on or after January 1, 2024.

The bill amends 411.1473 of the Government Code making the requirements related to DNA records of registered sex offenders applicable to terrorist offenders.

S.B. 1518 creates Title 12 of the Penal Code (Terrorism) adding new state terroristic offenses in Chapter 76. Because Chapter 76 addresses conspiracy, the bill makes Section 15.02 (Criminal Conspiracy) inapplicable to Section 76.02 (Terrorism).

S.B. 1551

Subject: Failure to Identify

Effective: September 1, 2023

S.B. 1551 amends Section 38.02 of the Penal Code (Failure to Identify) making it a Class C misdemeanor if an operator of a motor vehicle who is lawfully detained by a peace officer for an alleged violation of a law, fails to provide or display the person's driver's license on the officer's request for the license and intentionally refuses to give the person's name, driver's license number, residence address, or date of birth to the peace officer on the officer's request for that information. Giving a peace officer a residence address that is different from the address associated with the person's driver's license does not constitute a refusal to give the person's residence address in violation of that provision if the address given to the officer is the person's actual residence address.

This offense is a Class B misdemeanor if it is shown on the trial of the offense that the actor gave a false or fictitious name to the peace officer during the commission of the offense.

S.B. 1653

Subject: Promotion of Prostitution

Effective: September 1, 2023

Current law does not protect all minors from those who solicit them for prostitution. For the offense of promotion of prostitution, a prosecutor must prove that the minor was already engaging in prostitution in order to charge a defendant with this first degree felony. S.B. 1653 amends Section 43.03 of the Penal Code removing "engaging in prostitution" to ensure that the statute protects all minors.

S.B. 1900

Subject: Applying Organized Crime Provisions to Foreign Terrorist Organizations

Effective: September 1, 2023

To address increased smuggling of people, drugs, and weapons into Texas, S.B. 1900 defines and adds foreign terrorist organizations to organized crime under state law.

S.B. 1900 amends Section 125.061 of the Civil Practice and Remedies Code expanding the definition of "gang activity" to include coercing, inducing, or soliciting membership in a foreign terrorist organization. The

bill makes conforming changes in Chapter 125 of the Civil Practice and Remedies Code and Chapter 67 of the Code of Criminal Procedure to include a foreign terrorist organization or member of a foreign terrorist organizations in provisions governing: (1) public nuisances; (2) prima facie evidence; (3) civil actions for violations of an injunctive order; (4) intelligence databases and criminal information collected for an intelligence database, including criminal information relating to a child associated with a foreign terrorist organization; and (5) a gang resource system established by the attorney general.

S.B. 1900 also amends Section 71.01 of the Penal Code, defining "foreign terrorist organization" as three or more persons operating as an organization at least partially outside the United States who engage in criminal activity and threaten the security of the state or its residents, including but not limited to a drug cartel. The bill expands the conduct that constitutes the offense of engaging in organized criminal activity in Section 71.02. As amended, a person commits the offense of engaging in organized criminal conduct if the person commits or conspires to commit certain conduct with the intent to establish, maintain, or participate as a member of a foreign terrorist organization. It also includes the unlawful manufacture, delivery, dispensation, distribution, or possession of a controlled substance or dangerous drug with the intent to deliver the controlled substance or dangerous drug. Amended Sections 71.022 and 71.023 of the Penal Code create the offenses of coercing, inducing, or soliciting membership in a foreign terrorist organization and directing the activities of a foreign terrorist organization.

Traffic Safety and Transportation

H.B. 198

Subject: Safety Inspection of Certain Travel Trailers

Effective: September 1, 2023

Some travel trailers are already exempt from Section 548.052 of the Transportation Code's safety inspection requirements. H.B. 198 adds Section 548.054, which exempts all travel trailers as defined by Section 501.002 ("a house trailer-type vehicle or camper trailer"). To qualify for exemption, the owner must submit to the Department of Public Safety or the county an affidavit stating that the owner performed a self-inspection and that the trailer is in proper and safe condition. Such

vehicles are also added to Section 548.510, which prescribes a \$7.50 fee upon registration.

H.B. 291

Subject: Occupational Driver's Licenses and Renewal of Driver's Licenses

Effective: September 1, 2023

H.B. 291 amends Section 706.005(a) of the Transportation Code expressly providing that a finding by a court that a person is indigent and not required to pay waives the reimbursement fee under the Chapter 706 denial of license program, commonly known as Omnibase.

H.B. 291 also makes various changes to Chapter 521 of the Transportation Code to clarify that an "occupational license" under that chapter is a driver's license to operate a motor vehicle. The bill also clarifies the process of obtaining an occupational driver's license. H.B. 291 makes attendant changes to other statutes as needed to conform to these changes.

H.B. 718

Subject: Elimination of Temporary Paper License Plates

Effective: July 1, 2025

Significant concerns exist that Texas's system of issuing temporary paper license plates for newly acquired vehicles enables criminals to disguise vehicles and avoid prosecution. H.B. 718 paves the way for temporary paper license plates to be eliminated by 2025.

Numerous sections of the Transportation Code are amended to reflect the elimination of paper license plates. For example, one-trip or 30-day "permits" are replaced by one-trip or 30-day "license plates." The phrase "temporary tag" or "tag" is replaced with "license plate." Car dealers will still be able to provide license plates on newly acquired vehicles, but they must be metal plates provided by the Department of Motor Vehicles (DMV).

H.B. 718 repeals Section 503.094(d) of the Transportation Code, which is a penalty provision for offenses related to the unauthorized reproduction, purchase, use, or sale of temporary tags. Subsection (d) contains penalties ranging from a Class C misdemeanor to a state jail felony. Once stripped, any violation of Chapter 503 of the Transportation Code will carry a fine of \$50-\$5000, which can be trebled if the person committed the violation willfully or with conscious indifference to the law.

H.B. 718 also repeals the following sections in the Transportation Code: Sections 502.092 (permits for non-residents to transport farm products), 502.477 (the



Class C misdemeanor for misusing a farm transport permit), 503.062(d) (provision mandating the DMV to prescribe procedures for dealers to generate temporary tags), 503.0625 (provision allowing converters to issue temporary tags), 503.0626 (database for dealer or converter affixed temporary tags), 503.067 (offense for the unauthorized reproduction, purchase, use, or sale of temporary tags), 503.068(a) (provision prohibiting dealers from using vehicles with temporary tags for their personal use), and 504.901(c-e) (process for transferring temporary tags).

TMCEC: In 2025, whether a vehicle has a valid license plate should be a simpler inquiry than it is today. H.B. 718 seeks to address fraud and public safety by eliminating paper tags. It also seeks to end the practice of dealers being able to generate their own temporary tags, restricting this ability solely for the DMV. Section 503.094(d)'s repeal is significant for municipal courts because, beginning in 2025, it appears that any offense related to the unauthorized reproduction, purchase, use, and sale of temporary tags will be within municipal court jurisdiction. By eliminating the Class B misdemeanor or higher offenses, the legislature seems to be predicting that there will be no criminal market for fake temporary tags once H.B. 718 takes effect.

H.B. 842

Subject: Prohibiting Suspension of Driver's License or Extension of the Period of Suspension for Certain DWLI Convictions

Effective: September 1, 2023

H.B. 842 prohibits the Department of Public Safety from suspending a person's driver's license or extending the suspension of a driver's license for driving while license invalid (DWLI) if: (1) the offense was committed before September 1, 2019; (2)

the person was convicted of the offense after August 31, 2023; and (3) the person paid the fee required for the reinstatement of the person's driver's license.

H.B. 842 requires the fee to be deposited in the Texas mobility fund. This exemption does not apply to a commercial driver's license or a person who was operating a commercial vehicle or transporting hazardous materials at the time of the offense.

H.B. 898

Subject: Increased Penalties for Violating the Move Over or Slow Down Law
Effective: September 1, 2023

H.B. 898 amends Section 545.157 of the Transportation Code, which requires motorists to either move over or reduce speed when passing stationary vehicles such as police cars and tow trucks. For offenses committed on or after September 1, 2023, the fine range for this offense is increased from \$1-\$200 to \$500-\$1250. It also creates a new enhancement provision: second or subsequent offenses committed within five years of the most recent preceding offense carry a fine range of \$1000-\$2000. If the offense results in bodily injury, the offense is increased from a Class B to a Class A misdemeanor. A second or subsequent offense resulting in bodily injury is a state jail felony. Upon any subsequent conviction under Section 545.157, the court may order the defendant's driver's license suspended for up to six months. Under new Subsection (d-2), if the defendant fails to pay the fine or costs or is deemed by the court to have insufficient resources or income to pay, the court may require the defendant to discharge all or part of the fine or costs by performing community service.

H.B. 914

Subject: Temporary Vehicle Tags and Tampering with a Governmental Record
Effective: September 1, 2023

H.B. 914 amends Section 37.01 of the Penal Code to classify temporary vehicle tags as governmental records for purposes of the Tampering with a Government Record offense under Section 37.10. Case law already reflects this designation. Amending the Penal Code to align with case law addresses this inconsistency.

TMCEC: The definition added to the Penal Code points to Chapters 502 and 503 of the Transportation Code for the definition of a temporary vehicle tag. Thus, this bill should generally harmonize with changes made by H.B. 718 (2023), which repeals temporary paper license plates.

H.B. 1198

Subject: Public Awareness Campaign to Promote the Proper Attachment of Trailers to Certain Motor Vehicles
Effective: September 1, 2023

H.B. 1198 adds Section 201.625 of the Transportation Code, which directs the Texas Department of Transportation to create a public safety campaign instructing the public about trailer safety and on proper ways to attach trailers to passenger cars.

H.B. 1277

Subject: Limitation for Pedestrians Walking on the Street When No Sidewalk Available
Effective: September 1, 2023

Under current law, Section 552.006(b) of the Transportation Code provides that if there is no sidewalk, pedestrians walking on the street shall, if possible, walk on the left side of the roadway or the shoulder of the highway facing oncoming traffic. H.B. 1277 amends this section by removing the phrase "if possible" and requiring pedestrians to walk on the left side of the roadway or the shoulder of the highway facing oncoming traffic, "unless the left side of the roadway or the shoulder of the highway facing oncoming traffic is obstructed or unsafe."

H.B. 1442

Subject: Forfeiture of Contraband Relating to Reckless Driving Exhibition
Effective: September 1, 2023

In 2021, the 87th Legislature created the specific offense of "reckless driving exhibition." Prior to that, law enforcement officers used the deadly conduct statute to seize cars engaged in street takeovers when appropriate. However, the new reckless driving exhibition offense is not an enumerated offense under Chapter 71 of the Penal Code (Engaging in Organized Criminal Activity), so it cannot be elevated into Chapter 59 (Forfeiture of Contraband) using Chapter 71 as a legal basis for seizing the vehicle used in the conduct.

H.B. 1442 adds the reckless driving exhibition statutes (Subsections 42.03(d) and (e) of the Penal Code) and Section 545.420 of the Transportation Code (Racing on Highway) to Section 71.02 of the Penal Code (Engaging in Organized Criminal Activity). The bill amends Article 59.01(2) of the Code of Criminal Procedure expanding the definition of contraband for purposes of forfeiture to include property used in the commission of any offense punishable under Section 42.03(d) or (e) of the Penal Code and any offense under Section 545.420 of the Transportation Code.

These changes provide police and prosecutors with another tool to target organized street racing and street takeovers in Texas.

H.B. 1633

Subject: Reduced Penalty Structure for Handicapped Parking Offenses

Effective: September 1, 2023

H.B. 1633 amends Section 681.011 of the Transportation Code (handicap parking violations) adding a new reduced penalty structure provided in Subsections (m-o). This only applies to individuals with a Veterans With Disabilities specialty license plate that does not contain the International Symbol of Access (ISA).

If convicted under Section 681.011 of the Transportation Code, such individuals are subject to a fine of \$25-\$200 and up to 10 hours of community service for a first offense, \$200-\$400 and 10-20 hours of community service for a second offense (including cases previously dismissed under Subsection (o)), and \$400-\$750 and 20-30 hours of community service for a third offense (with dismissals under Subsection (o) counting as one). Under new Subsection (o), the court shall dismiss a charge for violating Section 681.011 for a disabled veteran whose plate did not have the ISA if they have not previously been convicted of the offense, have not previously received a dismissal under Subsection (o), and submit an application for a specialty plate containing the ISA within six months of being charged.

The fine ranges are unchanged (see Subsections (g-k)) for non-veterans convicted of handicapped parking offenses under Section 681.011.

H.B. 1846

Subject: Skills Test Required for a Commercial Driver's License for Out-of-State Commercial Learner's Permit Holders

Effective: September 1, 2023

H.B. 1846 amends Section 522.023(j) of the Transportation Code to require, rather than authorize, the Department of Public Safety (DPS) to administer a skills test when a person holding an out-of-state commercial license learner's permit applies for a Texas commercial driver's license. On completion of the skills test, DPS must send the results to the state or jurisdiction that issued the person's commercial learner's permit.

H.B. 1885

Subject: Variable Speed Limits

Effective: September 1, 2023

H.B. 1885 adds Subsection (k) to Section 545.353 of the Transportation Code, which permits the Texas Transportation Commission to establish a variable

speed limit program to allow the temporary lowering of a prima facie speed limit to address weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic.

A speed limit established under this program must be defined on a stationary or portable message sign between 500-1000 feet before the new speed limit begins, may not be used to divert traffic to a toll road, must be based on an engineering and traffic investigation, may be effective for all or only part of a designated portion of a highway, may be effective only during specific times of the day, and may not be more than 10 miles per hour below the normal speed limit.

H.B. 2190

Subject: Changing Traffic "Accident" to "Collision" throughout the Transportation Code

Effective: September 1, 2023

According to the Texas Department of Transportation (TxDOT) in its TxDOT glossary, highway safety advocates have raised concerns regarding the use of terminology in state law that refers to traffic crashes as traffic "accidents." According to TxDOT, these advocates believe "crash" more accurately reflects the potential and actual seriousness of incidents. This terminology is already in use by TxDOT and the U.S. Department of Transportation.

H.B. 2190 changes the word "accident" to "collision" in over 350 places of the Transportation Code.

TMCEC: This bill is symbolic. It does not make any substantive changes to the law.

H.B. 2195

Subject: Increased Fines for Wrong, Fictitious, Altered, or Obscured License Plates

Effective: September 1, 2023

H.B. 2195 amends Section 504.945 of the Transportation Code, which contains multiple offenses related to wrong, fictitious, altered, and obscured license plates. Section 504.945(a)(7)(C) is amended to add the word "covers." A person commits an offense if the person attaches to or displays on a motor vehicle a license plate that... has a coating, covering, protective substance, or other material that...alters, covers, or obscures the letters or numbers of the license plate number or the color of the plate" (emphasis added). The fine for this Class C misdemeanor is increased from a \$200 maximum to a \$300 maximum for a first offense. A new enhancement is added under Section 504.945(f). A second offense under Section 504.945(a)(7)(C) carries a maximum fine of up to \$600 and a third or subsequent offense is a Class B misdemeanor.

H.B. 2616

Subject: Authorizing Use of Visual Signals for Certain Vehicles

Effective: September 1, 2023

H.B. 2616 adds Sections 547.751 and 547.752 of the Transportation Code authorizing under certain circumstances the use of emergency lights for vehicles used by medical examiners or justices of the peace to increase efficient responses to the scene of a fatality. The use of emergency lights is only permitted when: (1) it is necessary to warn other vehicle operators or pedestrians of the vehicle's approach; and (2) operating the vehicle is in the course and normal scope of the operator's duties relating to an inquest.

H.B. 2899

Subject: Impoundment of Vehicles Used for Street Racing

Effective: June 2, 2023

H.B. 2899 increases law enforcement's ability to remove from the road and impound vehicles involved in reckless driving exhibitions (i.e., street racing) under Section 42.03 of the Penal Code. Previously, Section 545.420(i) of the Transportation Code only permitted law enforcement to impound such vehicles if property damage or personal injury occurred as a result of the offense. H.B. 2899 strips Section 545.420(i) of this limiting language to permit impoundment in all reckless driving exhibitions regardless of whether property damage or personal injury occurred.

H.B. 2901

Subject: Enforcement of Commercial Motor Vehicle Safety Standards in Certain Municipalities in Orange County

Effective: September 1, 2023

H.B. 2901 amends Section 644.101(b) of the Transportation Code to allow a municipality with a population of more than 2,000 that is in a county with a population less than 200,000 that borders another state and the Gulf Intracoastal Waterway to apply for certification for the Department of Public Safety training and certification program for enforcement of commercial motor vehicle safety standards. Orange County fits these criteria.

H.B. 3014

Subject: Electric Vehicle Emissions Inspection Exemption

Effective: September 1, 2023

Current law requires vehicles to pass a routine inspection, which includes evaluating the emissions and exhaust systems. H.B. 3014 exempts electric vehicles that solely use electricity as their power source

from inspection requirements related to emissions and exhaust systems.

TMCEC: H.B. 3014 should be read in conjunction with H.B. 3297, which eliminates safety inspections for noncommercial vehicles in 2025. Once H.B. 3297 takes effect, however, Texas will still require an emissions test for noncommercial vehicles in some counties. H.B. 3014 means that from September 1, 2023 to December 31, 2024, fully electric vehicles will need a safety inspection but not an emissions test. On January 1, 2025 and later, fully electric vehicles will not need either, even if they are in a county that still requires the emissions test.

H.B. 3125

Subject: Use of Certain Lighting Equipment on Authorized Emergency Vehicles

Effective: September 1, 2023

H.B. 3125 adds Section 547.702(c-1) of the Transportation Code to allow an authorized emergency vehicle to be equipped with signal lamps that display alternating or flashing white lights. The lamps must be mounted as high and as widely spaced laterally as practicable and able to emit a light visible at a distance of 500 feet in normal sunlight. Such lights are already widely used. H.B. 3125 provides express authorization.

H.B. 3126

Subject: Amending the Definition of "Pass" and "Passing" in the Transportation Code

Effective: September 1, 2023

H.B. 3126 amends Section 545.001(2) of the Transportation Code to change the definition of "pass" or "passing" in reference to a vehicle. The current definition is to overtake and proceed past another vehicle moving in the same direction as the passing vehicle or to attempt that maneuver. The new definition is to overtake and proceed past another vehicle moving in the same direction as the passing vehicle and return to the original lane of travel or to attempt that maneuver.

H.B. 3132

Subject: Optional Designation on Driver's License or ID Indicating a Person is Deaf or Hard of Hearing

Effective: September 1, 2023

Interactions between law enforcement officers and drivers with hearing impairments can be challenging. To address this, H.B. 3132 adds Section 521.1251 of the Transportation Code requiring the Department of Public Safety to provide applicants for driver's licenses the opportunity to voluntarily indicate that

they are deaf or hard of hearing as evidenced by a written statement by a licensed physician. If accepted, their driver's license will contain a designation.

H.B. 3224

Subject: Eliminating Vehicle Registration Revocation Following Failure to Maintain Financial Responsibility (FMFR) Conviction
Effective: September 1, 2023

Under current law, an individual convicted of a subsequent FMFR charge is subject to having both their driver's license and vehicle registration revoked. If more than one name is on a vehicle registration and that registration was revoked because one registered driver failed to pay their liability insurance, other responsible drivers who were not responsible for the failure to pay are also subject to the consequences. H.B. 3224 amends Section 601.231(a) of the Transportation Code to remove the mandatory vehicle registration suspension for subsequent FMFR convictions. The mandatory license suspension, however, remains in place.

H.B. 3297

Subject: Elimination of Vehicle Safety Inspection Requirement for Noncommercial Vehicles
Effective: January 1, 2025

Because the impact of the mandatory vehicle safety inspection program on road safety may not be strong enough to justify the program's existence, H.B. 3297 removes the word "compulsory" from the title of Chapter 548 of the Transportation Code (Compulsory Inspection of Vehicles) and repeals or amends the portions of Chapter 548 that require safety inspections on noncommercial vehicles. The bill also eliminates the required reinspection following an accident under Section 548.053(b).

Under H.B. 3297, noncommercial vehicles registered in counties with a motor vehicle emissions inspection and maintenance program are still required to pass an emissions check as required by the air quality state implementation plan. Currently, 17 counties require emissions inspections: Brazoria, Collin, Dallas, Denton, Ellis, El Paso, Fort Bend, Galveston, Harris, Johnson, Kaufman, Montgomery, Parker, Rockwall, Tarrant, Travis, and Williamson.

The bill creates an "Inspection Program Replacement Fee." It requires most motorists to pay \$7.50 annually when they renew their vehicle registration—the same amount that is currently owed to the state upon vehicle inspection. The bill also requires a one-time \$16.75 fee when a car is initially registered. Certain vehicles are exempt from the fee under Section 548.511, such as neighborhood electric vehicles and token trailers.

Commercial motor vehicles are still required to undergo safety inspections under Section 548.201.

TMCEC: Will H.B. 3297 result in fewer traffic stops or citations being issued? Not necessarily. Changing the law regarding compulsory vehicle safety inspections may make it easier for some people to obtain a vehicle registration sticker. However, despite the change in law, vehicles will still be required to be registered and to display registration stickers on the windshield.

H.B. 3313

Subject: Clarifying Motorcycle and Moped LED Ground Lighting Law
Effective: September 1, 2023

Confusion exists regarding what color lights can be displayed on a motorcycle or on mopeds as ground effect lighting under Section 547.306(b) of the Transportation Code. H.B. 3313 amends this law to state that no light other than non-flashing amber or white light is permitted.

H.B. 3558

Subject: Stopping at Stop Signs
Effective: September 1, 2023

H.B. 3558 amends Section 544.010(c) of the Transportation Code, the law requiring vehicle operators to stop at stop signs. Section 544.010(c) implements a hierarchy of where an operator must stop that depends on the features of the intersection. Currently, an operator shall stop before entering the crosswalk on the near side of the intersection. In the absence of a crosswalk, the operator shall stop at a clearly marked stop line.

As of September 1, 2023, operators must stop at a clearly marked stop line. In the absence of a clearly marked stop line, the operator must stop before entering the crosswalk on the near side of the intersection.

The third part of the hierarchy is unchanged: in the absence of both a crosswalk and a stop line, the operator shall stop at a place nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting highway.

H.B. 3643

Subject: Repealing Temporary Driver's Licenses Without Photographs
Effective: September 1, 2023

H.B. 3643 repeals Section 521.124 of the Transportation Code, which authorizes the Department of Public Safety to issue temporary driver's licenses without photographs to certain persons.

H.B. 3645

Subject: Requirements for the Issuance of Certain Driver's Licenses

Effective: September 1, 2023

H.B. 3645 amends Sections 521.148 and 522.034 of the Transportation Code to waive the Motorcycle Operators' Class requirement for a person who already holds a motorcycle operators' license from another state and applies for a Texas license with a Class M endorsement to operate a motorcycle.

H.B. 3645 also amends Section 521.1601 of the Transportation Code to waive the driver's education and traffic safety course requirement for drivers under age 25 who already hold a valid driver's license issued by another state and apply for a Texas license.

H.B. 3646

Subject: New Definition of "Commercial Motor Vehicle"

Effective: September 1, 2023

H.B. 3646 repeals and replaces the definition of a commercial motor vehicle (CMV) provided in Section 522.003(5) of the Transportation Code. The current Texas definition contains threshold weights, passenger capacities, and types of materials being transported that is inconsistent with federal standards. As amended, Section 522.003(5) provides that a CMV in Texas has the same definition as provided by federal law in 49 C.F.R. § 383.5.

Under 49 C.F.R. § 383.5, a CMV is defined as "a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a: (1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or (2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or (3) Small Vehicle (Group C) that does not meet Group A or B requirements but that either (i) is designed to transport 16 or more passengers, including the driver; or (ii) is of any size and is used in the transportation of hazardous materials as defined in this section."

H.B. 3647

Subject: Limitation on the Department of Public Safety's Ability to Suspend Driver's Licenses

Effective: September 1, 2023

H.B. 3647 amends Section 521.042 of the Transportation Code (Accident and Conviction Reports; Individual Records) adding Subsections (f) and (g). Subsection (f) provides that the Department of Public Safety may not consider a record of a conviction of a license holder received after the first anniversary of the date of the conviction in a decision to impose an enforcement action against the license holder, including a decision to suspend, revoke, or deny renewal of the license holder's driver's license. Subsection (g) provides exceptions to Subsection (f): commercial driver's license holders or commercial driver's license holders at the time of the offense, commercial motor vehicle operators, operators of motor vehicles transporting hazardous materials at the time of the offense, or individuals convicted under Chapter 49 of the Penal Code (e.g., Driving While Intoxicated).

H.B. 4122

Subject: New Transportation Code Section Regulating Motorcycle Operation

Effective: September 1, 2023

H.B. 4122 adds Section 545.0605 of the Transportation Code, which provides that motorcycle operators (1) are entitled to full use of a lane and a motor vehicle may not be driven in a manner that deprives the motorcycle of full use, (2) may operate the motorcycle two abreast (but no more than two) in a single lane with another motorcycle; (3) may not operate the motorcycle between lanes of traffic moving in the same direction; and (4) may not pass a motor vehicle while in the same lane as the vehicle being passed. Law enforcement officers, in the performance of their official duties, are exempt from the provisions prohibiting motorcyclists from riding three (or more) abreast, driving between lanes of traffic, and passing other vehicles in the same lane.

H.B. 4528

Subject: Removal of Requirement that a Peace Officer Take Possession of a Driver's License for Certain Intoxication Arrests

Effective: September 1, 2023

Current law requires peace officers to confiscate a driver's license from an individual upon arrest for failure to pass an intoxication test or for refusal to take one. However, the Department of Public Safety (DPS) reports that it can suspend a driver's license electronically and no longer has a need to collect the physical card. Because a driver's license is integral to many people's ability to obtain services or exercise other rights aside from driving, H.B. 4528 amends Sections 524.011 (Officer's Duties for

License Suspension) and 724.032 (Officer's Duties for License Suspension; Written Refusal Report) of the Transportation Code removing the requirement that peace officers take possession of the person's license. H.B. 4528 also removes a peace officer's authority to issue a temporary driving permit upon arrest for failure to pass an intoxication test or for refusal to take one. The bill makes corresponding changes to Sections 524.032, 524.035, 724.041, 724.043 of the Transportation Code, which cover individuals who had their license taken under Sections 524.011 or 724.032.

S.B. 323

Subject: Enforcement of Commercial Motor Vehicle Safety Standards in Waller County
Effective: September 1, 2023

S.B. 323 amends Section 644.101 of the Transportation Code to allow peace officers in a county with a population of more than 5,000 but less than 90,000 that is adjacent to a county with a population of more than 4,000,000 to apply for certification for the Department of Public Safety training and certification program for enforcement of commercial motor vehicle (CMV) safety standards. This will add Waller County to the list of counties where CMV safety standards may be enforced.

S.B. 347

Subject: Suspension of Driver's License Following Certain Convictions
Effective: September 1, 2023

S.B. 347 amends Section 521.343(c) of the Transportation Code to modify the suspension period for a person convicted of operating a motor vehicle while that person's driver's license is suspended. The period is currently "the same term as the original suspension or disqualification." S.B. 347 amends the period to 90 days.

S.B. 505

Subject: Additional Registration Fee for Electric Vehicles
Effective: September 1, 2023

S.B. 505 adds Section 502.360 of the Transportation Code, which imposes an additional \$400 fee for the registration of a new electric vehicle and an additional \$200 fee for an electric vehicle registration renewal.

S.B. 505 defines "electric vehicle" for the purposes of Section 502.360 as a motor vehicle with a gross weight of 10,000 pounds or less that uses electricity as its only source of motor power. The term does not include autocycles, mopeds, motorcycles, or neighborhood electric vehicles.

S.B. 540

Subject: Enforcement of Commercial Motor Vehicle Safety Standards in Certain Municipalities in Parker County
Effective: September 1, 2023

S.B. 540 amends Section 644.101(b) of the Transportation Code to allow a municipality that (1) is located within 20 miles of a municipal airport; and (2) is in a county that contains an active quarry, has a population of more than 150,000 but less than 170,000, and is adjacent to a county with a population of more than 2 million to apply for certification for the Department of Public Safety training and certification program for enforcement of commercial motor vehicle (CMV) safety standards.

TMCEC: The only county in Texas with a population of 150,001-169,999 that is adjacent to a county with a population over 2 million is Parker. Municipalities in Parker County must calculate their distance from an international airport and determine whether they have an active quarry to determine whether their city police officers may apply for certification to enforce CMV safety standards.

S.B. 904

Subject: Out-of-Compliance Handicapped Parking Spaces
Effective: September 1, 2023

In 2019, the Legislature changed the requirements for how accessible parking spaces are designated. The Texas Department of Licensing and Regulation (TDLR) made the changes in their requirements. However, TDLR only inspects "new builds" for compliance leaving thousands of spaces waiting to be updated, out of compliance.

S.B. 904 adds Subsections (f-1) and (f-2) to Section 681.011 of the Transportation Code. Subsection (f-1) provides that it is not a defense to prosecution for a handicapped parking violation charge that the parking space is not in compliance with the standards and specifications provided in Section 469.052 of the Government Code as long as the space generally complies and is clearly distinguishable from non-handicapped accessible spaces. Subsection (f-1) provides that peace officers may issue a warning but may not issue a citation for a handicapped parking violation if the space does not have a parking space identification sign identifying the parking space in accordance with Section 681.009(b).

S.B. 1023

Subject: Establishment and Posting of Maximum Loads Permitted on Certain Bridges

Effective: May 19, 2023

S.B. 1023 amends Section 201.8035 of the Transportation Code authorizing the Texas Department of Transportation to install load posting signs on off-system (under the jurisdiction of a county or municipality) bridges. In accordance with federal law, such signs must be posted within 30 days of a determination that a weight restriction is necessary. The bill does not remove a local government’s existing authorization to post such notices.

S.B. 1115

Subject: Amended Definition of “Autocycle”

Effective: September 1, 2023

Certain autocycles are manufactured with a “steering bar” to keep them outside the statutory autocycle definition’s scope and Texas’s autocycle regulatory framework. S.B. 1115 changes the definition of “autocycle” in Section 501.008(a) of the Transportation Code to add that it is a vehicle equipped with seatbelts and that has a steering “mechanism” (changed from “wheel”).

S.B. 1364

Subject: Increased Maximum Weight for Electric Semitrucks

Effective: June 2, 2023

Electric semitrucks weigh more than comparable diesel trucks due to the increased weight of their batteries. Consequently, electric trucks must reduce cargo loads to remain within the current Texas gross weight limit of 80,000 pounds. S.B. 1364 amends Section 621.101(b-1) to increase the maximum gross vehicle weight for electric semitrucks to 2,000 pounds above the regular limitation provided in Section 621.101 not to exceed 82,000 pounds.

S.B. 1732

Subject: Standards for Certain Electric Vehicle Charging Stations

Effective: May 24, 2023

As of 2021, there are over 80,000 alternatively fueled vehicles registered in Texas. As more of these vehicles drive on Texas roads, there are concerns about access to charging stations that are compatible with every type of electric vehicle.

S.B. 1732 adds Chapter 2311 of the Occupations Code (Electric Vehicle Charging Stations). Section 2311.001 requires the Texas Department of Licensing and Regulation (TDLR), in consultation with the

Texas Department of Transportation, to adopt standards for electric vehicle charging stations that require the charging stations to be equipped with a standard electric vehicle charging connector or plug type that is widely compatible with as many electric vehicles as practicable. This section only applies to an electric vehicle charging station that is installed after December 1, 2024, made available to the public, not intended primarily for private use; and funded through public grants or state rebate programs.

TDLR must adopt the required standards not later than December 1, 2024. Additionally, the law requires an electric vehicle charging station installed in this state to be operated in compliance with the standards adopted under Chapter 2311 of the Occupations Code not later than January 1, 2030.

S.B. 2102

Subject: Three-Year Initial Registration/ Inspection Period for Rental Cars

Effective: September 1, 2023

Whereas it was rare for a rental car to be in service for more than two years prior to the COVID-19 pandemic, today’s supply chain issues mean that rental car companies are often keeping vehicles in their fleets for over two years. This subjects them to vehicle inspections and registrations that were previously not a concern. S.B. 2102 adds Sections 502.0026 and 548.1025 of the Transportation Code, which establishes a three-year initial safety inspection and registration periods for new passenger cars and light trucks purchased for rental.

**TEXAS MUNICIPAL COURTS
EDUCATION CENTER**

2210 Hancock Drive
AUSTIN, TX 78756
www.tmcec.com

Presorted Standard
U.S. Postage
PAID
Austin, Texas
Permit No. 114

Change Service Requested

MISSION STATEMENT

TMCEC

To provide high quality
judicial education,
technical assistance, and
the necessary resource
materials to assist
municipal court judges,
court support personnel,
and prosecutors in
obtaining and maintaining
professional competence.

Full Court Press

The Blog of the Texas Municipal Courts Education Center



tmcecblog.com