

TEXAS JUDICIARY LEGISLATIVE UPDATE
TEXAS JUDICIAL COUNCIL
84th Legislature



OFFICE OF COURT ADMINISTRATION
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The 84th regular legislative session resulted in a number of new laws of interest to the judiciary, including laws:

- Decriminalizing truancy and adding provisions on truant conduct to the Family Code
- Providing alternatives to guardianship for incapacitated persons and amending various provisions regarding guardianships and incapacitated persons
- Creating seven new district courts for Coryell, Ector, Kendall, Harris, Collin (2) and Fort Bend Counties, and five additional statutory county courts for Cameron (2), Collin, Fort Bend, and Harris Counties
- Authorizing a special 3-judge district court for suits involving public school finance or legislative, congressional, or judicial redistricting
- Revising procedures related to the civil commitment of sexually violent predators
- Increasing the electronic filing fee from \$20 to \$30 in civil cases in appellate, district, and county-level courts to allow eFiling funding to be sustainable
- Establishing the Public Integrity Unit within the Texas Rangers Division of the Department of Public Safety
- Clarifying that telephone interpreters can be used in all criminal law proceedings
- Expanding the duties of the Office of Capital Writs to include representing defendants in cases involving forensic science issues
- Revising procedures for impaneling a grand jury; eliminating the position of jury commissioner
- Requiring the Supreme Court to promulgate forms for self-represented litigants in probate matters and residential landlord-tenant matters
- Repealing the signature requirement for placement on the ballot for certain judicial offices
- Creating several task forces and special advisory committees to study and review: exonerations of criminal defendants; the retention of juvenile records; improving outcomes of juveniles adjudicated of sexual offenses; collection and reporting of information regarding family violence, sexual assault, stalking, and human trafficking.

This report briefly summarizes new legislation directly impacting the Texas court system, judges, clerks, and other judicial actors. No attempt is made to cover substantive areas of the law in detail; other entities are expected to provide legislative updates on substantive legal topics. We hope the report will be a useful resource for the judicial and legal community and all those interested in the administration of justice.

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Additional Courts

SB 1139 - Effective 9/1/15 (except as otherwise specified below).

Creates new judicial districts:

- 440th Judicial District composed of Coryell County effective January 1, 2017
- 446th Judicial District composed of Ector County
- 451st Judicial District composed of Kendall County; abolishes the County Court at Law of Kendall County
- 469th Judicial District composed of Collin County
- 470th Judicial District composed of Collin County
- 505th Judicial District composed of Fort Bend County
- 507th Judicial District composed of Harris County effective January 1, 2016

Creates new statutory county courts:

- County Court at Law No. 4 of Cameron County effective January 1, 2017
- County Court at Law No. 5 of Cameron County effective January 1, 2018
- County Court at Law No. 7 of Collin County
- County Court at Law No. 5 of Fort Bend County effective January 1, 2016
- County Criminal Court at Law No. 16 of Harris County effective January 1, 2016

Designates Nolan County as the administrative county for the 1st Multicounty Court at Law
Deletes Mitchell County from the 1st Multicounty Court at Law effective January 1, 2019.

See §§ 24.591, 24.584, 24.590, 24.641, 24.642, 24.643, 24.644, 25.0331, 25.0332, 25.0451, 25.0811, 25.1031, Gov't Code. **See also** [Associate Judges and Magistrates](#); [Costs, Fees, and Fines](#); [County Courts](#); [Court Jurisdiction](#); [Criminal Law and Procedure](#); [Other Court Actors](#).

Associate Judges and Magistrates

HB 2278—Effective 9/1/15.

Authorizes active or retired associate judges of a county court at law or statutory probate court to conduct marriage ceremonies. See § 2.02(a), Fam. Code.

HB 4086—Effective 6/6/15.

Authorizes parties to request do novo review of an associate judge's temporary order. See § 201.015(a), Fam. Code.

SB 812—Effective 9/1/15.

Authorizes associate judges to be appointed to hear cases involving change of name. See §§ 201.001, 201.005, 201.018(a), Fam. Code.

SB 1139—Effective 9/1/15.

Amends provisions regarding the appointment and supervision of child support and child protection court associate judges. Limits term of associate judges to four years, with reappointment for subsequent terms allowed. Requires regional presiding judges to solicit recommendations for appointment and annual performance information from the judges of courts referring cases to the associate judge and from other persons. Requires the Office of Court Administration to develop written procedures and performance evaluation forms. See §§ 201.101, 201.1066, 201.201, 201.2061, Fam. Code. **See also** [Additional Courts](#).

Civil Law

HB 1403 – Effective 9/1/15.

Amends the definition of “health care liability claim” for purposes of provisions governing medical liability. Excludes certain causes of action brought by an employee or the employee's surviving spouse or heir for a workplace injury or death—suits where the employee is not covered by workers' compensation insurance or suits for exemplary damages for death caused by an employer's intentional act or omission or gross negligence. See § 74.001(a)(13), Civ. Prac. & Rem. Code.

HB 1692 – Effective 6/16/15.

Authorizes a court to decline to exercise jurisdiction in a wrongful death or personal injury case under the doctrine of forum non conveniens if it finds an action would be more properly heard in another state. A determination to stay or dismiss the action should be made with respect to each plaintiff on an individual basis and without regard to a plaintiff's country of citizenship or national origin. Clarifies factors a court should consider in determining whether to stay or dismiss the claim of a plaintiff who is not a legal resident of this state. See § 71.051, Civ. Prac. & Rem. Code.

[SB 519](#) – Effective 9/1/15.

Requires dental support organizations to register with the secretary of state. Creates a civil penalty for failure to register, for which an enforcement action would be filed in Travis County. See new Chapter 73, Bus. & Com. Code; § 254.019, Occ. Code.

[SB 656](#) – Effective 5/15/15.

Authorizes Banking Commissioner to file suit to modify or terminate a trust fund established to fund a perpetual care cemetery. Adds Travis County as appropriate venue for a suit by the Commissioner. See §§ 712.020, 712.021, 712.0255, 712.0441, 712.0444, Health & Safety Code.

[SB 746](#) – Effective 6/17/15.

Amends provisions regarding the civil commitment of sexually violent predators. Changes the Office of Violent Sex Offender Management to the Texas Civil Commitment Office and sets out duties. It also addresses notice requirements when an offender is released and clarifies membership and training requirements for the multidisciplinary team charged with reviewing records of persons believed to be repeat sexually violent offenders. Authorizes a petition to determine whether a person is a sexually violent predator to be filed in the court of conviction for the person's most recent sexually violent offense. (Such cases were previously required to be filed in the 435th district court, Montgomery County). Requires the court to conduct a trial not later than 270 days after the date the petition is served and not later than the person's sentence discharge date. Prohibits the court from continuing the trials to a date later than the discharge date. Makes other provisions for: sex offender treatment before release, including a tiered program for supervision and treatment; housing facilities for treatment; committed persons with special needs; payment of costs; and biennial review by a judge of the status of the committed person. Provides that a failure to comply with a civil commitment requirement could be prosecuted in the court with jurisdiction over the civil commitment proceeding, in addition to the county where an offense occurred. Repeals the special prosecution unit and office of state counsel for offenders and deletes the provision that an indigent person must be appointed counsel as appropriate; attorneys will now be appointed locally and paid by county government. See Chapter 841, Health & Safety Code; art. 13.315, Code Crim. Proc., §§ 24.579, 411.1389, 420A.001, 420A.002, 420A.004, Gov't Code.

Costs, Fees, Fines and Collections

[HB 121](#) – Effective 6/15/15.

Authorizes immediate payment by debit or credit card of past due criminal fines and fees upon the execution of a capias pro fine. See art. 103.0025, Code Crim. Proc.

[HB 941](#) – Effective 9/1/15.

Changes the DNA Testing court cost to \$50 in all cases and revises offenses to which it applies. 90% of the collected fees will be remitted to DPS to help defray the costs of collecting and analyzing DNA samples. (Currently, 35% of the fees that go to the state are directed to the state highway fund). See arts. 102.020, 102.021, Code Crim. Proc.; §§ 411.142, 411.1471, Gov't Code. See [also Criminal Law and Procedure](#).

HB 1079 – Effective 6/16/15.

Expands the types of fines, fees, and other collections to be allocated to the judicial fund for basic civil legal services. See § 402.007(b), Gov't Code.

HB 2182 – Effective 9/1/15.

Allows district clerks to assess the same fees allowed the district clerk for performing services in district court cases in a case in a statutory county court handled by the district clerk, and updates fee amounts. See arts. 17.02, 102.004, Code Crim. Proc.; §§ 51.305, 51.319, 51.604, Gov't Code; § 118.052, Loc. Gov't Code.

HB 2398 – Effective 9/1/15 (*New fee effective 1/1/16*).

Creates a \$50 fee to be paid upon truancy court's finding that child engaged in truant conduct. Details truancy prevention measures that school district must employ. See §§ 102.021, 103.021, 103.035, Gov't Code. See also [Juvenile Justice](#).

SB 287 – Effective 6/19/15.

In courts other than justice or municipal courts, a defendant must be provided a written and signed bill of costs before costs are payable. Four court fees, rarely assessed, are eliminated (1) a \$7 court cost that can be assessed on conviction of a Class C misdemeanor in Harris County; (2) a \$10 fee to be assessed on certain civil suits involving railroad companies; (3) a \$2 fee for the hearing of an application to secure a pension; and (4) a \$5 fee for each petition for review filed after an initial petition for review of an tax appraisal board order relating to certain regulated property. See art. 103.001, Code Crim. Proc.; §§ 102.101, Gov't Code; § 42.221(b), Tax Code.

SB 740 – Effective 9/1/15.

Requires a defendant to pay only one set of court costs for a single criminal action, rather than separate court costs for two or more offenses or for multiple counts of the same offense. The assessment must be based on the highest category of offense based on the defendant's convictions. (Does not apply to two or more offenses punishable by fine only). See art. 102.073, Code Crim. Proc.

SB 1139 - Fee increase effective 9/1/15.

Increases the electronic filing fee from \$20 to \$30 in civil cases in the appellate, district, and county-level courts. See § 51.851(b), Gov't Code. See also [Additional Courts](#).

SB 1902 – Effective 9/1/15.

Allows issuance of an order of nondisclosure at the time of defendant's dismissal and discharge from a term of deferred adjudication community supervision for certain misdemeanor offenses if the person proves to the court eligibility for the order of nondisclosure and pays a \$28 fine. See § 411.072, Gov't Code. See also [Criminal Law and Procedure](#).

Costs and Fees (County Specific)

HB 1062 - Effective 9/1/15.

Cameron County - Allows commissioners to establish a new \$2 technology and infrastructure fee to be charged by county clerks. See §§ 118.011(f), 118.026, 118.052, 118.069, 118.101, 118.102, Loc. Gov't Code; 103.030, Gov't Code.

SB 432 – Effective 6/16/15.

Dallas County - Extends to 7/1/30 an additional filing fee to fund construction and improvement of civil court facilities. See § 51.705, Gov't Code.

SB 1964 - Effective 6/19/15.

Hidalgo and Cameron counties - Authorizes up to \$20 filing fee for construction and renovation of court facilities. See §§ 51.711, 101.061192, 101.081191, 101.10119, Gov't Code; §§ 118.011, 118.0131, Loc. Gov't Code.

County Courts

SB 1139 – Effective 9/1/15 (except as otherwise specified below).

Amends the provisions related to multicounty statutory county courts as follows: Designates which county of the ones composing a multi-county statutory county court would serve as the administrative county for the court if the legislation creating the court does not specify this information; authorizes the commissioners courts of the counties composing the court to enter into an agreement to support the court and allowing the administrative county to receive contributions from the other counties to pay the operating expenses of the court. Requires the administrative county to pay from the county general fund the salaries and expenses for operating the court; however, the state is required to compensate the administrative county for the judge's salary in the same amount as a district court judge's salary. Court costs and fees collected by the clerk of a multi-county statutory county court must be deposited in the appropriate county as provided by law. Effective 1/1/19, deletes Mitchell County from the 1st Multicounty Court at Law and designates Nolan County as the administrative county for the court. Repeals existing provision requiring the state to compensate Fisher, Mitchell, and Nolan Counties each in the amount equal to 60% of a district judge's salary for each statutory county court judge. See §§ 25.2607, 25.2701, Gov't Code. **See also [Additional Courts](#).**

Court Jurisdiction

HB 1774 – Effective 9/1/15.

Extends the jurisdiction of criminal law hearing officers in Cameron County to include extradition proceedings, the ability to accept a plea of nolo contendere or guilty, and appoint counsel for an indigent defendant. Permits district or county court at law judges to refer additional matters in criminal cases to the hearing officers. See §§ 54.1356, 54.1358, 54.1362, Gov't Code.

HB 2536 – Effective 9/1/15.

Gives district courts in Harris County concurrent jurisdiction with statutory county courts in eminent domain proceedings where the amount in controversy exceeds \$200,000. See § 25.1032, Gov't Code.

SB 909 - Effective 9/1/15.

Amends the jurisdiction of county courts at law in Bexar County to provide that any county court at law may hear criminal cases, and clarifying which courts give preference to criminal cases involving family violence. See §25.0172, Gov't Code.

[SB 1139](#) – Effective 9/1/15.

Tarrant County - expands the jurisdiction of statutory county courts to include appeals from municipal courts of record that are not appeals of a criminal matter.

Jefferson County – gives the county court concurrent jurisdiction with the County Court at Law, in civil, criminal, juvenile, and probate cases, if the county judge is a licensed attorney in Texas. (Otherwise, the county court has concurrent jurisdiction with the Jefferson County Court at Law only in probate, administration of estates, guardianship proceedings, mental illness proceedings and juvenile matters.)

El Paso County - amends the jurisdiction and administration of criminal law magistrate court.

Cameron County - amends the jurisdiction of criminal law hearing officers in Cameron County.

See §§ 25.2222, 26.223, 54.732-54.759, 54.1356-54.1362. **See also [Additional Courts](#).**

Criminal Law and Procedure

[HB 12](#) – Effective 9/1/15.

Establishes a Border Prosecution Unit within the Criminal Justice Division of the Governor’s office composed of prosecutors from the border region. Purposes include: advising CJD on allocation of grant funds; serving as a clearinghouse of information; developing a training program for law enforcement. See § 772.0071 and new Subchapter B, Chapter 772, Gov’t Code.

[HB 211](#) – Effective 6/19/15.

Imposes meeting and notification requirements regarding the determination of a defendant’s competency in certain cases and requires resumption of criminal court proceedings within the specified time period following certain competency hearings, depending upon the population of the county. See arts. 46B.079, 46B.084, Code Crim. Proc.

[HB 326](#) – Effective 9/1/15.

Permits a magistrate to accept a sworn statement in support of a search warrant by phone or other reliable electronic means, and includes requirements for issuance of the related warrant. See art. 18.01, Code Crim. Proc.

[HB 510](#) – Effective 9/1/15.

Amends provisions regarding the disclosure of information concerning expert witnesses in criminal cases. Requires party receiving a request to disclose the name and address of each person expected to provide expert testimony. Changes manner in which the disclosure must be made from a manner specified by the court to a written, hard copy form or by electronic means. See art. 39.14(b), Code Crim. Proc.

[HB 518](#) – Effective 9/1/15.

Authorizes an incarcerated defendant to waive a hearing on a motion to revoke community supervision in writing before a notary public. Current law requires that the waiver be signed in person before a court of record in the jurisdiction where imprisoned. See art. 42.12, Code Crim. Proc.

[HB 643](#) – Effective 9/1/15.

Authorizes a surety to file a motion for the purpose of discharging bail—but not dismissing the prosecution—when an indictment or information has not been presented against a defendant within a certain period of time. *See* art. 32.01, Code Crim. Proc.

[HB 904](#) – Effective 9/1/15.

Amends procedures relating to the transfer of certain inmates to the Texas Department of Corrections following the pronouncement of a sentence and a notice of appeal filed by the defendant. Felony offenders ineligible for release on bail pending appeal, even if sentenced for a term of less than 10 years, may be transferred upon pronouncement of the sentence. *See* art. 42.09, Code Crim. Proc.

[HB 941](#) – Effective 9/1/15.

Expands convictions for which a court must order a defendant to provide a DNA sample, to include enticing a child, promoting prostitution, and sale or display of harmful material to minors. Removes requirement that a person placed on deferred adjudication for public lewdness and indecent exposure be required to provide samples for the creation of a DNA record; requires provisions of samples only upon conviction of those offenses. Clarifies circumstances where a defendant is not required to provide a DNA sample if one has already been provided. *See* arts. 102.020, 102.021, Code Crim. Proc., §§ 411.142, 411.1471, Gov't Code. ***See also*** [Costs, Fees, Fines and Collections](#).

[HB 1264](#) – Effective 9/1/15.

Toxicological evidence (blood or urine specimens) collected as part of an investigation of an offense regarding Intoxication and Alcoholic Beverages must be retained or preserved by a law enforcement agency, hospital, or crime lab charged with collecting, analyzing, or storing the specimens for certain periods of time, depending on whether the defendant has been charged, is serving a sentence, or has been acquitted or the charges dismissed with prejudice. The court is required to determine the applicable retention period and advise the defendant and the entity of the required retention period, and advise of any changes to the required retention period. *See* art. 38.50, Code Crim. Proc.

[HB 1396](#) - Effective 9/1/15.

Prohibits warrantless search of a cellular phone or other wireless device. Gives trial priority to criminal trials with victims under 14 over other criminal and civil trials. Increases pecuniary loss amounts aligned with punishment ranges for a variety of offenses. Creates a commission to study and review all penal laws that appear in Texas law other than those appearing in the Penal Code, the Controlled Substances Act, or relating to the operation of a vehicle. *See* arts. 14.06, 18.02, 18.0215, 32A.01, Code Crim. Proc.; § 311.035, Gov't Code; §§28.03, 28.06, 28.07, 28.08, 31.03, 31.04, 31.08, 31.16, 32.02, 32.23, 32.32, 32.33, 32.34, 32.35, 32.441, 32.45, 32.46, 33.02, 34.02, 35.02, 35.025, 35A.02, 39.02, Penal Code. ***See also*** [Task Forces](#).

[HB 1546](#) – Effective 9/1/15.

Amends court procedures for awarding diligent participation credit (for educational, vocational, treatment, or work programs) to defendants confined in a state jail felony facility. Requires the court to determine, at the time a person is convicted of a state jail felony, whether the defendant is presumptively entitled to a diligent participation credit. For a person presumptively entitled to the credit, and who is not subject to disciplinary action while confined, TDCJ will grant the credit against a defendant's sentence, without involvement of the court. Leaves in place the current law for a defendant with a finding that he or she is not presumptively entitled to the credit or one who is subject

to disciplinary action while confined—TDCJ notifies the court of participation days in certain programs, and a judge has the discretion to grant additional time as credit against any time the defendant is ordered to serve. See art. 42.0199, Code Crim. Proc.

[HB 1690](#) – Effective 9/1/15.

Establishes the Public Integrity Unit within the Texas Rangers Division of the Department of Public Safety. Directs an officer of the Texas Rangers, unless a state agency has specific responsibility, to conduct an investigation of a formal or informal complaint alleging an offense against public administration. If the investigation demonstrates a reasonable suspicion that an offense occurred, the officer conducting the investigation would refer the complaint to the appropriate prosecutor of the county in which the venue is proper. A prosecutor may be recused from the case for good cause and, in the case of such recusal, the presiding judges of the administrative judicial regions are required to select another prosecutor by a majority vote. See §§ 41.351, 41.352, 301.027, 411.022, 411.0251-411.0259, Gov't Code.

[HB 1930](#) - Effective 9/1/15.

Modifies and simplifies the strategic planning process for community supervision and corrections departments. Removes the mandatory requirement that community justice councils be established by judges and provides that councils *may* be established by the county commissioners. Strategic plans submitted to the state Community Justice Assistance Division as a condition of receiving funding for community corrections facilities now require less detail than the currently required community justice plans. See §§ 76.002, 76.003, 76.006, 76.010, 121.002, 509.001, 509.003, 509.004, 509.007, 509.0071, 509.010, 509.011, Gov't Code.

[HB 2159](#) - Effective 9/1/15.

Requires the payment of restitution as a condition of community supervision for offenses involving family violence committed in the presence of a child under the age of 15. Requires the court to make findings regarding the existence of a child witness, order restitution for the payment of medical, psychiatric, and psychological care for the child witness, and specify manner of payment. The restitution order can be enforced in a civil action and can be modified by the court in a subsequent hearing. See art. 42.0373, Code Crim. Proc.

[HB 2286](#) – Effective 9/1/15.

Article 1 of the bill has no effect due to the passage of SB 1902. See § 1.08 of the bill, which provides that this article takes effect only if SB 1902 does not become law.

Article 2 creates procedures for a victim of trafficking who is convicted of prostitution to petition the court for an order of nondisclosure, including notice to the state, a hearing, and a determination by the court. Order of nondisclosure only available after the conviction is set aside. See §§ 411.0728, 552.142(b), Gov't Code.

[HB 2499](#) – Effective 9/1/15.

Allows bail bonds to be filed electronically with the court, judge, magistrate, or other officer taking the bond. See art. 17.026, Code Crim. Proc.

[HB 3724](#) – Effective 9/1/15.

Amends factors related to scientific evidence that a court must consider in granting relief on an application for a writ of habeas corpus. Applies to new scientific evidence not available at the time of a convicted person's trial, or that contradicts scientific evidence used at trial. Court is specifically required to consider whether the field of scientific knowledge, a testifying expert's scientific knowledge, or a scientific method has changed since the trial date. *See* art. 11.073(d), Code Crim. Proc.

[SB 112](#) - Effective 5/23/15.

Expands the authority of a magistrate, when issuing an order for emergency protection, to prohibit the arrested party from communicating in any way with the protected person, the person's family or household, except through the party's attorney or a person appointed by the court. Amends current law relating to the authority of a magistrate to prohibit certain communications in an order for emergency protection and amends provisions subject to a criminal penalty. *See* Art. 17.292(c) Code Crim. Proc.

[SB 487](#) – Effective 9/1/15.

Amends current law relating to postconviction forensic DNA analysis. Changes the type of evidence for which a court may order postconviction DNA evidence from evidence containing biological material to evidence that has a reasonable likelihood of containing biological material suitable for DNA testing. *See* arts. 64.01(a-1) and 64.03(a), Code Crim. Proc.

[SB 737](#) - Effective 9/1/15.

Creates requirement for timely notice of orders entered by a magistrate to law enforcement and other recipients, and adds electronic submission requirements. *See* art. 17.292, Code Crim. Proc.; §§ 85.042, 86.0011, Fam. Code; § 411.042, Gov't Code.

[SB 790](#) – Effective 9/1/15.

Changes procedures allowing certain parolees to be released on bond pending a hearing on a charge of parole violation. Allows a county magistrate to release on bond a person who is arrested for a technical violation on a pre-revocation warrant by the parole division of the Texas Department of Criminal Justice and who is determined by the magistrate to not be a threat to public safety. The bill also requires that the board of paroles or a parole panel make a final determination of a parole violation before issuing a warrant for the parolee's arrest. *See* §§ 508.254, 508.281, Gov't Code.

[SB 873](#) – Effective 9/1/15.

Changes current law that allows a defendant arrested on a capias pro fine to be held in jail until the next business day if the court that issued the capias pro fine is unavailable. Adds the option for the peace officer to take the defendant before another court in the county or municipality that has the same jurisdiction as the court that issued the capias pro fine. *See* arts. 43.05, 45.045, 45.046, Code Crim. Proc.

[SB 965](#) – Effective 9/1/15.

Records relating to release of a defendant on personal bond are to be filed with either the district or the county clerk, as applicable, based on court jurisdiction over the categories of offenses included in the records. *See* Art. 17.42, Code Crim. Proc. ***See also*** [District and County Clerks](#).

[SB 1070](#) – Effective 9/1/15.

Require a judge to waive certain rehabilitative educational requirements as a condition of community supervision for individuals convicted of DWI and other enhanced intoxication offenses who successfully complete equivalent education while confined in a residential treatment facility. Individuals similarly required to attend certain educational programs as a condition of reinstatement of a driver's license are allowed to substitute an equivalent program at a residential treatment facility. *See* art. 42.12, Code Crim. Proc.; §§ 521.374-521.377, Transp. Code.

[SB 1139](#) – Effective 9/1/15.

Clarifies that telephone interpreters can be used in any criminal law proceeding. Amends the Code of Criminal Procedure to authorize judges other than the judge who issued a *capias pro fine* to resolve the *capias pro fine*. *See* arts. 38.30, 43.05, 45.045, 45.046, Code Crim. Proc. ***See also*** [Additional Courts](#).

[SB 1326](#) – Effective 9/1/15.

Clarifies that a court, in calculating the maximum period of time a defendant can be committed to a mental hospital or other program after a finding of incompetency to stand trial, *must* consider any time the defendant was confined in a correctional facility before the initial order of commitment. In addition the court *may* consider good time credit the defendant may have been granted during that time of confinement. *See* arts. 46B.0095, 46B.010, Code Crim. Proc.

[SB 1743](#) – Effective 9/1/15.

Expands the powers and duties of the Office of Capital Writs to include representing defendants in cases involving a forensic science issue. Changes the name of the agency to the Office of Capital and Forensic Writs. *See* arts. 11.071, 26.044, 26.05, 38.01, Code Crim. Proc.; Chapter 78, §§ 79.001, 79.031, 411.082, 411.088, 411.1272, Gov't Code. ***See also*** [Indigent Defense](#).

[SB 1902](#) – Effective 9/1/15.

Amends availability and procedures for an order of nondisclosure of criminal history record information. Defendants dismissed and discharged from a term of deferred adjudication community supervision for certain misdemeanor offenses can obtain an order of nondisclosure without the requirement of a petition for nondisclosure. Does not apply to defendants who committed certain offenses, those previously convicted or placed on deferred adjudication for any offense other than a fine-only offense under the Transportation Code, or where a judge makes an affirmative finding that an order of nondisclosure would not be in the best interest of justice. Alternative procedures are made available for other defendants to petition the court for an order of nondisclosure—defendants discharged from deferred adjudication community supervision for certain felonies and other misdemeanors, and defendants convicted of certain misdemeanor offenses who have completed a period of community supervision or served a period of confinement. Criminal history record information subject to an order of nondisclosure may be admitted into evidence during the trial of a subsequent offense or disclosed to a prosecuting attorney. *See* §§ 54.656, 103.0211, 123.001, 411.071-411.0775, 411.081, 411.083, 411.0835, 411.0851, 411.087, 411.122, 552.142, 552.1425, Gov't Code; § 109.005, Bus. & Com. Code; arts 42.03, 42.12, Code Crim. Proc.; §§ 169.001, 169A.001, Health & Safety Code; § 53.021, Occ. Code.

District and County Clerks

[HB 331](#) – Effective 6/15/15.

Allows electronically filed documents with sensitive data to be sealed in the same manner as paper documents in child protection suits. *See* §262.011, Fam. Code.

[SB 965](#) – Effective 9/1/15.

Records relating to release of a defendant on personal bond are to be filed with either the district or the county clerk, as applicable, based on court jurisdiction over the categories of offenses included in the records. *See* art. 17.42, Code Crim. Proc. ***See also*** [Criminal Law and Procedure](#).

[SB 1071](#) – Effective 9/1/15.

Requires the clerk of a convicting court to provide a copy of a court order setting an execution date to the defendant's attorney and the office of capital writs within two business days. Failure to comply with the requirement could result in the resetting of the execution date. Also requires the warrant of execution to be provided to attorneys for the defendant and the state and the office of capital writs. *See* arts. 43.141, 43.15, Code Crim. Proc.

[SB 1139](#) – Effective 9/1/15.

Provides that county clerk may serve as clerk of the county court at law in contested, as well as uncontested, probate and guardianship matters. *See* § 25.1112(e), Gov't Code. ***See also*** [Additional Courts](#).

[SB 1341](#) - Effective 6/16/15.

In the event a case is transferred from district court to county court, or vice versa, the clerk is authorized to transfer the case records in an electronic format. Transfer in paper form is also still allowed. *See* §§ 51.3071, 51.403, Gov't Code.

[SB 1369](#) – Effective 9/1/15 (except that reporting requirements apply with the SFY that begins 9/1/16).

Requires clerks of courts to publish information about court appointments, including individuals appointed as attorneys ad litem, guardians ad litem, guardians appointed under the Estate Code, mediators, and competency evaluators. Reports must be submitted monthly, with detailed reporting requirements prescribed for each appointment. Certain appointments are exempted, including mediators in a county-established alternative dispute resolution system, and guardians and attorneys-ad-litem appointed in certain Family Code proceedings. A court failing to provide information to the clerk to be included in the report would be ineligible for grant money awarded by the state or a state agency. *See* new Chapter 36, Gov't Code. ***See also*** [Office of Court Administration](#).

[SB 1876](#) – Effective 9/1/15.

Requires each court in a county with a population of 25,000 or more to establish and maintain lists of attorneys and other person who have registered and are qualified to serve as attorneys ad litem, guardians ad litem, mediators, and guardians of estates. With limited exceptions, requires judges to appoint the person whose name appears first on the list, and then move that person to the end of the list. Exemptions are provided for mediators in county-established alternative dispute resolution systems, and guardians and attorneys-ad-litem appointed in certain Family Code proceedings. Courts are authorized to maintain multiple lists categorized by type of case and person's qualifications and local

administrative judges may maintain the lists for multiple courts. Lists must be posted at the courthouse and on the court's website. See §§ 25.0022, 74.092, 74.093, and new Chapter 37, Gov't Code.

District Courts

SB 455 - Effective 9/1/15.

The attorney general may petition the Chief Justice of the Texas Supreme Court to convene a special 3-judge district court for a suit filed against the State or a state officer or agency regarding public school finance or involving apportioning of legislative, congressional, judicial, and State Board of Education districts. The petition stays all proceedings in the original case. The chief justice shall appoint three judges, including the district judge to whom the case was assigned when filed, a district judge who is from another county, and a court of appeals justice from an appellate district other than the other two judges' appellate district(s). Only elected judges may be appointed. If created, the special court would sit in the county where the case was originally filed and would be required to consolidate and transfer in any related case pending in another district or inferior court in Texas. A single judge from the special court would be able, with the consent of the other two, to independently conduct pretrial proceedings and enter interlocutory orders. An appeal from the special court is to the Supreme Court. The Supreme Court would be authorized to adopt rules for the operation and procedures for the court, including appeals from the court. See new Chapter 22A, Gov't Code.

Family Law

HB 388 – Effective 6/9/15.

Extends the duration of protective orders issued in cases of family violence against persons subsequently confined or imprisoned. Creates two categories of extension periods, depending on the length of the sentence of the person subject to the protective order. If the subject is sentenced for *five years or less*, and the protective order expires during the confinement or within one year of the release, the protective order expires on the second anniversary of the release. If the subject is sentenced for *more than five years* and the protective order expires during the confinement or within a year of the release, the protective order expires on the first anniversary of the release. See § 85.025(c), Fam. Code.

HB 825 – Effective 9/1/15.

Requires judges in child protection cases to ask whether a child's family has any Native American heritage and identify any tribe with which the child may be associated. See §§ 262.201, 263.202, 263.306, Fam. Code.

HB 1449 – Effective 9/1/15.

Revises the requirements surrounding child custody evaluations and adoption evaluations (both previously called social studies) in suits affecting the parent-child relationship. Establishes minimum requirements for evaluators, and adds requirements for determining whether an evaluator has a conflict of interest. Adds general provisions about the conduct of a child custody evaluator and the requirements of a child custody evaluation, as well as regulations regarding communication and recordkeeping. See §§ 104.008, 153.605, 162.0025, 162.003, 162.0045, 203.004, 203.005, and Chapter 107, Fam. Code; § 411.1285, Gov't Code; § 152.06331, Hum. Res. Code.

[HB 3003](#) – Effective 9/1/15.

Authorizes the commissioners of one county or a collection of counties to establish an Office of Child Representation, an Office of Parent Representation, or both, to provide attorneys ad litem to parents and/or children in termination of parental rights cases. Requires a court operating in a county with either of such offices to appoint an attorney from that office as attorney ad litem, with limited exceptions. Authorizes a Managed Assigned Counsel Program for a child or parent in termination of parental rights cases, which could be publicly funded and run by a governmental entity, nonprofit, or the local bar association. Requires a judge in a county with such a program to appoint an attorney from the program's list; attorneys would have to meet applicable training standards and be approved by the program director or review committee. See new Subchapters E and F, Chapter 107, Fam. Code.

[HB 3994](#) - Effective 1/1/16.

Changes the requirements related to notice of and consent to an abortion for a minor. Adds a civil penalty of \$2,500 to \$10,000 for a person found in violation of the law. Prohibits a guardian ad litem appointed for the minor from also serving as the minor's attorney. Revises venue requirements, application requirements, and standard of proof (from preponderance of evidence to clear and convincing) for court's determination whether the minor is mature and sufficiently informed to make the decision. Adds factors for court to consider; makes the determination by the court res judicata as to subsequent filings; requires the minor's attorney to attest to the truth of the minor's claims regarding her residence and prior application history; changes time frames within which courts must rule on the application and removes the provision in current law that a failure to rule deems the application granted. Requires the Office of Court Administration to annually publish a report of the data submitted by county clerks on each case. See Chapter 33, Fam. Code; § 245.006, Health & Safety Code; §164.052, Occ. Code.

[SB 206](#) – Effective 9/1/15

Amends various sections of the Education Code and Family Code regarding the functions of the Department of Family and Protective Services, investigations of child abuse and neglect, and conservatorship of a child. Amends court procedures related to certain suits affecting parents and children. See the [84th Session Legislative Update of the Supreme Court's Permanent Judicial Commission for Children, Youth and Families](#) for a section by section summary.

[SB 314](#) - Effective 9/1/15.

Requires courts to provide certain information to nonparents who are appointed managing conservator of a child in a suit brought by DFPS, including: an explanation of differences between being appointed managing conservator and adopting the child; that the child's parent may be able to request visitation with the child or petition to be named managing conservator; and, that the nonparent managing conservator would not be eligible for post-adoption benefits. The order appointing the nonparent managing conservator must include the specific rights and obligations of the conservator, such as the right to consent to medical treatment, authorize school-related activities, authorize employment, and apply for public benefits on behalf of the child. See § 263.408, Fam. Code.

[SB 813](#) - Effective 9/1/15.

Authorizes the use of digitized signatures in certain family law proceedings: original petitions filed regarding the marriage relationship, in suits affecting the marriage relationship or suits regarding the child in relation to the family; and in applications for protective order. Requires that a digitized

signature be applied only by, and remain under the control of, the person whose signature is represented. See §§ 1.109, 81.011, and new Chapter 47, Fam. Code.

SB 814 - Effective 9/1/15.

Waivers of citation may not be signed by digitized signature, must contain the mailing address of the party executing the waiver, and must be notarized in the following family law suits: suits to dissolve a marriage; actions for the removal of disabilities of minority; actions to change the name of a child or an adult; and all suits affecting the parent-child relationship. Waivers in divorce actions need not be notarized, however, if the party executing the waiver is incarcerated. See §§ 6.4035, 31.008, 45.0031, 45.107, 102.0091, Fam. Code.

SB 1407 – Effective 9/1/15.

Encourages age-appropriate normalcy activities for children in the managing conservatorship of DFPS. Encourages DFPS to allow substitute caregivers to make decisions regarding participation in activities generally accepted as suitable for a child’s age or level of maturity, including extracurricular activities, cultural and enrichment activities, and employment opportunities. Requires courts during permanency and placement review hearings to review DFPS efforts to ensure that the child has regular opportunities to engage in age-appropriate normalcy activities, including those not listed in the child’s service plan. Defines “standard of care of a reasonable and prudent parent” and removes liability from a foster parent, other substitute caregiver, family relative or other designated caregiver or licensed child placing agency for harm caused to the child while participating in an age-appropriate normalcy activity if the caregiver used the standard of care of a reasonable and prudent parent when approving the child’s participation in the activity. Requires DFPS to adopt and implement policies and to train staff regarding the importance and benefits of age-appropriate normalcy activities. See §§ 263.001, 263.306, 263.503, 264.001, 264.114, 264.125, Fam. Code.

SB 1726 - Effective 9/1/15.

Claims that may be filed against an estate include child support arrearages that have been administratively determined by the IV-D agency (the OAG), as well as those confirmed and reduced to money judgment by a court. Provides additional conditions for nondisclosure of address information of a party in a suit affecting the parent-child relationship. Authorizes service by first class mail for actions regarding post-judgment remedies for collection of child support. Authorizes the electronic notarization of documents in suits affecting the parent-child relationship. See § 355.102, Estates Code; §§ 101.031, 105.006, 154.187, 157.065, 157.264, 160.302, 232.001, 232.0135, Fam. Code; § 406.026, Gov’t Code.

SB 1929 – Effective 9/1/15.

Revises the process for transferring a child protection case to another court to require the clerk of the transferring court to provide certain information to the recipient court within ten days of the order to transfer being signed, including a certified copy of the signed order. Order of transfer must include: (1) date of any future hearings in the case that have been scheduled by the transferring court; (2) the case’s dismissal date; and (3) name and contact information of each appointed attorney ad litem or guardian ad litem. Receiving court may keep the same appointed attorney and guardian ad litem on the case or may, by the earlier of 10 days after receiving the order or the date of the first scheduled hearing after receiving the order, make new appointments. See §§ 155.207, 262.203, Fam. Code.

[SB 1931](#) – Effective 9/1/15.

Requires a court to inform an unrepresented parent in a termination of parental rights case at the parent’s first court appearance that the parent has the right to be represented by an attorney and, if the parent is indigent and appears in opposition to the suit, the right to an appointed attorney. Clarifies that two parents may share an attorney only if there has been no pattern or history of family violence. Requires parties requesting attorney to file an affidavit of indigence and sets out evidence of indigence that may be considered. The court is authorized to appoint a temporary attorney ad litem for the period from the removal of the child from the home until the determination of whether the parent is indigent, and may continue the appointment if the court determines the party is indigent. The attorney who is unable to locate a parent must submit a written summary of efforts made to identify or locate the parent. *See* §§ 107.013, 107.0141, 262.201, Fam. Code.

General Interest

[HB 910](#) – Effective 1/1/16 (except as otherwise specified below).

Authorizes individuals to obtain a license to carry openly a holstered handgun in all the places that allow the licensed carrying of a concealed handgun (other than institutions of higher education). Authorizes the Department of Public Safety to issue a license to carry an unconcealed holstered handgun, using the same criteria currently in place for a concealed handgun license. Adds a requirement for training on the use of restraint holsters and methods to ensure secure open carry as a condition for receipt of a handgun license. Creates a criminal offense of “trespass by license holder with an openly carried handgun” for a licensed handgun owner who openly carries it on private property without consent after receiving notice that open carry is prohibited on the property. Also creates a criminal offense for open carry of a handgun on the premises of an institution of higher education. *See* §§ 11.041, 11.61, 61.11, 61.71, Alco. Bev. Code; arts. 7A.05, 17.292, 17.293, Code. Crim. Proc.; § 63.0101, Elec. Code; § 37.0811, Educ. Code; §§ 2.005, 58.003, 85.022, 85.042, Fam. Code; Chapter 411, Gov’t Code; § 12.092, Health & Safety Code; §§ 52.061, 52.062, Lab. Code; §§ 118.011, 229.001, Loc. Gov’t Code; §§ 1701.260, 1702.206, Occ. Code; §§ 62.082, 284.001, Parks & Wild. Code; §§ 30.05 - 30.07, 46.02, 46.03, 46.035, 46.15, Penal Code.

[SB 11](#) - Effective 8/1/16 (except effective for public junior colleges 8/1/17).

Authorizes an individual possessing a valid concealed handgun license issued in the state of Texas to carry a concealed handgun on campuses or premises associated with public and private institutions of higher education. Allows institutions of higher education, after consulting with students, staff, and faculty, to establish rules with respect to license holders carrying concealed handguns on their campuses or on identified premises of the institutions. Allows institutions of higher education to establish rules governing the storage of handguns in dormitories and other residential facilities. Requires that any such rules be widely distributed to students, staff, and faculty, and prominently published on the institution’s website. Provides for a limitation on liability for the institutions and their officers and employees. Clarifies that weapons must be concealed and may not be openly carried on campuses, including driveways, streets, sidewalks, or parking areas for institutions of higher education. *See* §§ 411.2031, 411.208, Gov’t Code; §§ 46.03, 46.035, Penal Code.

Indigent Defense

[HB 48](#) – Effective 6/1/15.

Creates the Timothy Cole Exoneration Review Commission under the auspices of the Texas Judicial Council. See art. 43.27, Code Crim. Proc. **See also [Task Forces](#)**.

[HB 3633](#)—Effective 9/1/15.

Requires that orders for repayment of attorney fees issued as a condition of community supervision be subject to the defendant’s “ability to pay” at the time repayment is ordered, as are other court costs in the Code of Criminal Procedure. Limits the amount to be repaid to counties to the actual cost of the legal services provided. Clarifies the appropriate amount for attorney fee repayment orders in those cases where the defendant is represented by a public defender’s office. See arts. 26.05, 42.12, Code Crim. Proc.

[SB 316](#)—Effective 9/1/15.

Requires courts to prioritize the appointment of an available public defender’s office to make efficient use of such offices. See art 26.04, Code Crim. Proc.

[SB 662](#)—Effective 6/16/15.

Requires the court to appoint counsel for applicants for habeas corpus relief when the state agrees to relief on the grounds that the defendant/applicant is not guilty, guilty of only a lesser offense, or the law under which the person was convicted has been declared unconstitutional. See art. 11.074, Code Crim. Proc.

[SB 1057](#)—Effective 9/1/15.

Provides statutory authority for the Texas Indigent Defense Commission (TIDC) to provide continuing state funding at up to 50% of the cost for regional public defender programs and permits TIDC to provide the funds directly to such defender programs. See §§ 79.016, 79.037, Gov’t Code.

[SB 1353](#)—Effective 9/1/15.

Permits the Texas Indigent Defense Commission (TIDC) to directly participate with the Conference of Urban Counties (CUC)-TechShare Indigent Defense Technology program. See §§ 79.037, 79.040, Gov’t Code.

[SB 1517](#)—Effective 9/1/15.

Clarifies the procedures for appointment of counsel for a person arrested on an out of county warrant. The magistrate in the arresting county must transfer any request for counsel to the appointing authority in the warrant-issuing county within 24 hours after the individual requests appointment of counsel, and the appointing authority in the warrant-issuing county must timely appoint counsel regardless of whether the requesting individual is present in that county. If the person has not been transferred or released to the warrant-issuing county and counsel has not been appointed before the 11th day after the arrest, the arresting county must appoint counsel to represent the person. The arresting county is authorized to seek reimbursement from the county that issued the warrant. See arts. 1.051, 15.17(e), 15.18, 26.04(a), Code Crim. Proc.

SB 1743 – Effective 9/1/15.

Expands the powers and duties of the Office of Capital Writs to include representing a defendant in cases involving a forensic science issue. Changes the name of the agency to the Office of Capital and Forensic Writs. See arts. 11.071, 26.044, 26.05, 38.01, Code Crim. Proc.; Chapter 78, §§ 79.031, 411.082, 411.088, 411.1272, Gov't Code.

Judges in General

HB 1080 – Effective 6/16/15.

Adds statutory probate court judges, and associate judges appointed under Chapter 54A of the Government Code and Chapter 574 of the Health and Safety Code, to the list of judges defined as “state judges,” allowed to use a court address instead of their home addresses on their drivers’ licenses. See § 521.001(a)(8-a), Transp. Code.

HB 3747 - Effective 6/16/15.

Adds to the list of active or retired judicial officers who may be licensed to carry a concealed handgun, defining a federal judge and adding to the definition of “retired judicial officer” a retired federal judge who is a resident of Texas. See § 411.201(a), Gov't Code.

SB 306 – Effective 9/1/15.

Requires the Commission on Judicial Conduct to include in its annual report statistical information regarding the number of complaints received by the Commission alleging misconduct or disability, the number of each type of judicial misconduct or disability that resulted in sanction or censure of a judge and the number of complaints dismissed by the Commission without action. The commission would not be required to report complaints dismissed for the following reasons: 1) evidence does not support the allegation or appearance of judicial misconduct or disability, 2) facts alleged did not constitute the judicial misconduct or disability, or, 3) allegations were determined to be unfounded or frivolous. See § 33.005(b), Gov't Code.

Judicial Administration

HB 1306 – Effective 9/1/15.

Changes the reimbursement for travel expenses incurred by court reporters in judicial districts composed of more than one county. Removes “25 cents per mile” as the limit for reimbursement and allows mileage rates to be set by the commissioners court of the county of the judicial district for which the expense is incurred. See § 52.055, Gov't Code.

SB 643 – Effective 6/16/15.

Authorizes district court proceedings, including jury trials, to be held in auxiliary facilities outside the county seat in Chambers County (the 253rd and 344th judicial district courts). The commissioners court may provide auxiliary court facilities, office buildings, or jails within 10 miles of the boundary of the county. See §§ 24.430, 24.490, Gov't Code; § 292.031, Loc. Gov't Code.

[SB 1116](#) – Effective 9/1/15.

Authorizes judge or court clerk to send any notices or documents required by civil or criminal statutes either by mail or electronic mail, using an email address registered with the electronic filing system or provided by the person. Notices requiring proof of delivery under other law cannot be delivered electronically. Specific types of communication or information are added to the definition of “electronic mail.” See new Chapter 80, Gov’t Code.

[SB 1913](#) – Effective 9/1/15.

Authorizes the establishment of a court administrator system in counties with more than one district court or statutory county court. (Current law authorizes a court administrator system for counties with more than one county criminal court or county court at law.) Judges may adopt local rules designating local court divisions, determine appropriate compensation for the court administrator, within the salary range set by the commissioners court for the position, and appoint staff for the court administrator’s office. See § 75.401, Gov’t Code.

Judicial Compensation

[SB 1025](#) - Effective 6/17/15.

Increases the annual salary supplement from the state for county judges who are eligible for the supplement (by filing an affidavit with the Comptroller’s Judiciary Section affirming that at least 40% of the functions that the county judge performs are judicial functions). Increases the salary supplement from a sum certain of \$15,000 to 18% of the salary of a district judge, which would currently be \$25,200. See § 26.006(a), Gov’t Code.

Judicial Selection, Qualifications, and Discipline

[HB 257](#) – Effective 1/1/17.

Changes the definition of a “significant interest in a business entity” with respect to the prohibition against a judge having a significant interest in an entity that owns, manages, or operates a community residential facility, or a correctional or rehabilitation facility. Any investment or interest in the entity would be prohibited, whereas current law would not prohibit an interest that is less than 10 percent or \$15,000 of the fair market value. See § 21.010(b), Gov’t Code.

[HB 1923](#) – Effective 9/1/15.

Adds a retired or former statutory probate court judge to the list of judges who may be appointed as a special judge on agreement of the parties in a civil or family law matter. See § 151.003, Civ. Prac. & Rem. Code.

[SB 1073](#) – Effective 9/1/15.

Requires candidates for office to provide a public mailing address and any available email address where the candidate receives correspondence relating to the campaign, which will be posted on the website of the Secretary of State. Repeals the requirement to obtain signatures for placement on the ballot for justices on the supreme court, judges on the court of criminal appeals, justices on a court of appeals in which a county with a population of more than one million is wholly or partly situated, district judges and criminal district judges in districts with a county in which the population is more than 1.5 million,

statutory county court judges with a county in which the population is more than 1.5 million, and justices of the peace in a county with a population of more than 1.5 million. *See* §§ 141.031(a), 172.0221, 172.021(e) and (g), Elec. Code.

Juries

[HB 2150](#) – Effective 9/1/15.

Eliminates the position of jury commissioner for the selection and impaneling of a grand jury. Requires the district court to impanel 12 qualified persons as grand jurors and four, rather than two, alternates. Adds specific reasons to challenge a juror, including mental or physical defects, bias or prejudice, relationship to an accused, and the juror’s status as a witness in an investigation. Requires jurors to recuse themselves from grand jury service if they could be subject to a valid challenge for cause. A grand juror who knowingly failed to recuse himself could be held in contempt of court. The court is required to instruct the grand jury on the duty of recusal. Repeals multiple provisions in Chapter 29, Code of Criminal Procedure, regarding organization of the grand jury. *See* Chapter 19, Code Crim. Proc.; §§ 24.014, 24.135, 24.377, 24.396, 24.487, 24.568, 24.596, 402.024, Gov’t Code.

[HB 2747](#) – Effective 9/1/15.

Adds to the list of general qualifications for jury service that the person is a citizen of the United States and a “resident” (as opposed to a citizen) of Texas and the county in which the person is to serve. *See* §62.102, Gov’t Code.

[HB 3996](#) - Effective 9/1/15.

Adds veterans court programs to the list of organizations or programs to which a juror may elect to donate juror reimbursement payments. *See* § 61.003(a), Gov’t Code.

[SB 565](#) – Effective 6/16/15.

Designates the first week of May as Juror Appreciation Week. *See* § 662.155, Gov’t Code.

[SB 681](#) – Effective 6/16/15.

Authorizes central jury room bailiff in a county with a population of at least 1.7 million in which more than 75 percent of population resides in a single municipality (Bexar County) to administer electronic jury system. *See* §§ 62.001(g), 62.011(b), 62.0145, Gov’t Code.

Justices of the Peace and Municipal Judges

[HB 1436](#) – Effective 9/1/15.

Creates new cause of action, authorizing and prescribes procedures for the appeal to a justice, county, or municipal court of an animal control authority’s determination that a dog is dangerous. Requires the court to determine the costs to house an impounded animal during the appeal process and set a bond to cover those costs, and prohibits a court from ordering the destruction of a dog during the pendency of the appeal. Adds procedures for appeal of a municipal or justice court determination to a county court or county court at law, and authorizes a jury trial, upon request. A motion for new trial is not required before perfecting an appeal from a municipal court; appeals from a county court or county

court at law may be appealed in the same manner as any other case. *See* §§ 822.042, 822.0421, 822.043, 822.0424, Health & Safety Code.

[SB 631](#) – Effective 6/19/15.

Changes the minimum population requirement in current law authorizing contiguous municipalities to agree to concurrent municipal court jurisdiction. A municipality with a population of 1.19 million or more (previously 1.9 million) and a contiguous municipality can agree to concurrent jurisdiction for all municipal courts of either jurisdiction for criminal cases punishable by fine only that are committed on the boundary of the municipalities or within 200 yards of the boundary. *See* art. 4.14(f), Code Crim. Proc.; § 29.003(h), Gov't Code.

[SB 292](#) – Effective 5/29/15.

Requires justice of the peace to adopt a policy for requesting a waiver of the waiting period before human remains can be cremated, and for processing the request as quickly as possible. *See* §716.004, Health & Safety Code.

Juvenile Justice

[HB 263](#) and [SB 1707](#) (identical) - Effective 9/1/15.

Requires the juvenile court to initiate an order to seal a person's eligible juvenile court records rather than awaiting an application from the person who is the subject of such records. Eliminates the requirement that the juvenile court hold a hearing prior to ordering the sealing of records unless the prosecuting attorney requests one after being given reasonable notice prior to the records becoming eligible for sealing. *See* § 58.003, Fam. Code.

[HB 431](#) – Effective 5/28/15.

Creates an advisory committee to examine and recommend revisions to Chapter 58, Family Code, and any other relevant state laws pertaining to the retention of juvenile records. A report must be provided by 11/1/16 to the legislature and the Juvenile Justice Board. *See also* [Task Forces](#).

[HB 642](#) – Effective 9/1/15

Authorizes a judge to order certain minors convicted of or adjudicated for certain drug and alcohol offenses to participate in drug education, as well as alcohol awareness programs. Permits a judge to require certain juveniles, as a condition of community supervision, to attend and complete alcohol awareness or drug education programs, which must be approved by the Department of State Health Services. Requires judge to order the defendant to pay the costs of attendance, unless the defendant is found to be indigent or unable to pay. Under certain circumstances, the judge may require the defendant's parent or guardian to pay the cost of program attendance. *See* §§ 106.071, 106,115, Alco. Bev. Code; arts. 42.12, 45.051, Code Crim. Proc.: §§ 53.03, 54.047, Fam. Code; § 521.374, Transp. Code.

[HB 1144](#) – Effective 6/17/15.

Establishes the Task Force on Improving Outcomes for Juveniles Adjudicated of Sexual Offenses to examine the adjudication, disposition, and registration of juvenile sex offenders. The Task Force must deliver a report of its findings and recommendations by 12/1/16. *See also* [Task Forces](#).

HB 2398 – Effective 9/1/15. (*New fee effective 1/1/16.*)

Repeals the law making failure to attend school a criminal offense and creates provisions regarding truant conduct in the Family Code. Eliminates truancy as an act constituting conduct indicating a need for supervision [CINS]. Makes Code of Criminal Procedure and Juvenile Justice Code inapplicable to cases involving habitual absence from school. Creates a new Title 3A of the Family Code, establishing new procedures for handling an entirely new kind of conduct (truant conduct) in entirely new courts (truancy courts). Creates a \$50 fee to be paid upon truancy court's finding that child engaged in truant conduct. Details truancy prevention measures that school districts must employ. Calls for courts to expunge failure to attend school convictions that occurred prior to HB 2398 going into effect. Establishes judicial donation trust funds. *See* arts. 4.14, 45.0216, 45.0531, 45.0541, 45.056, 102.014, Code Crim. Proc.; §§ 7.111, 25.085, 25.091, 25.0915, 25.0916, 25.093, 25.095, 25.0951, 25.0952, 29.087, 33.051, Educ. Code; §§ 51.02, 51.03, 51.13, 54.0404, 54.05, 58.0022, 58.003, 58.106, 59.003, 61.002, 65.001-65.259, 264.304, Fam. Code; §§ 26.045, 29.003, 36.001-36.003, 54.1172, 54.1952, 54.1955, 54.1956, 71.0352, 102.021, 103.021, 103.035, Gov't Code; § 81.032, Loc. Gov't Code. Repealed provisions: arts. 45.054, 45.055, Code Crim. Proc.; §§ 25.094, 25.0916(d), Educ. Code; §§ 51.03(d), (e-1) and (g), 51.04(h), 51.08(e), 54.021, 54.0402, 54.041(f) and (g), 54.05 (a-1), Fam. Code.

HB 4003 – Effective 9/1/15.

Requires any custodian of a juvenile court record, prior to the authorized release of such a record, to redact any personally identifiable information about a victim who was a legal minor at the time of the offense. *See* § 58.004, Fam. Code.

SB 108 – Effective 9/1/15.

Authorizes a person under 17 years of age to have records related to certain offenses expunged (fine-only misdemeanors, violations of a penal ordinance of a political subdivision, and electronic transmission of certain visual materials displaying a minor) when that person was acquitted of the offense. Current law only authorizes expunction of records if the complaint was dismissed. Extends the ability of a justice or municipal court to defer proceedings against a defendant under the age of 18 or enrolled in school full time. Prohibits a law enforcement officer from issuing a field release citation to a child who is alleged to have committed a school offense and changes the definition of a child for purposes of school offenses in the Education Code to a student who is at least 10 years of age and younger than 18 years of age, rather than younger than 17 years of age. *See* arts. 45.0216, 45.052, 45.058, Code Crim. Proc.; §§ 37.141, 37.143, 37.146, Educ. Code.

SB 888 – Effective 9/1/15.

Permits the appeal of a juvenile court's order waiving jurisdiction and transferring a proceeding in a case to criminal court as soon as such an order is entered, rather than after conviction or an order of deferred adjudication has been entered in the criminal court. Requires the Supreme Court of Texas to adopt rules accelerating the disposition of such an appeal by the appellate courts. Such an appeal does not stay the criminal proceedings pending the disposition of that appeal. *See* art. 4.18(g), Code Crim. Proc.; §§ 51.041, 56.01, Fam. Code.

SB 1149 – Effective 9/1/15.

Allows juveniles committed to local secure post-adjudication facilities with a determinate sentence to be transferred to the Texas Department of Criminal Justice to complete the sentence in prison or under adult parole supervision. Current law authorizes only the Texas Juvenile Justice Department facilities to

make such transfers of determinate sentence youth. Clarifies status and procedures relating to commitments to a local post-adjudication secure facility for conduct that occurred on or after 12/1/13. See §§ 51.13, 53.045, 54.11, 58.352, Fam. Code; §§ 499.053, 508.003, 508.156, Gov't Code; Chapter 152 and § 261.101, Hum. Res. Code.

[SB 1630](#) – Effective 9/1/15.

Limits the commitment of juveniles to the Texas Juvenile Justice Department (TJJD) to determinate sentenced youth unless the court determines that the juvenile has behavioral health or other special needs that cannot be addressed within his or her home community. Requires TJJD to finalize a regionalization plan for keeping adjudicated youth within their home regions and to establish a new division to administer the regionalization plan. Expands the responsibilities of the Office of the Independent Ombudsman associated with TJJD to include local post-adjudication facilities and any other facilities where adjudicated youth are placed by court order. See §§ 54.04, 54.04013, Fam. Code; 202.010, 203.017, 203.018, 221.003, 223.001, 261.101, Hum. Res. Code.

Office of Court Administration

[HB 3424](#) - Effective 9/1/15.

Requires OCA to conduct a study on the feasibility of developing, implementing, and maintaining a central database containing the names of incapacitated persons who have had a guardian appointed, and the names and contact information of guardians. Requires OCA to study best practices for protecting the privacy of the incapacitated persons and the confidentiality of information in the database, and to provide a report on the results of the study by 12/1/16. **See also [Probate, Guardianship and Mental Health](#).**

[SB 1369](#) – Effective 9/1/15 (except that reporting requirements apply with the SFY that begins 9/1/16) Requires OCA to prescribe the format for monthly reporting of information about court-appointed attorneys ad litem, guardians ad litem, guardians, mediators, and competency evaluator, and requires the Judicial Council to adopt any necessary rules to implement the requirements. Requires OCA to conduct a study on various issues, including the feasibility of establishing a statewide uniform attorney ad litem billing system, the number of attorneys receiving court appointments, the qualifications and training, and the amount of money spent on court-ordered representation, and submit a report by 12/31/16. See new Chapter 36, Gov't Code. **See also [District and County Clerks](#).**

Other Court Actors

[SB 534](#) – Effective 5/15/15.

Adds to the contents of the oath required of each person admitted to practice law in Texas, before the person receives a license to practice law in Texas, that the person will “conduct oneself with integrity and civility in dealing and communicating with the court and all parties.” See § 82.037(a), Gov't Code.

SB 1139 – Effective 9/1/15 (except as otherwise specified below).

Designates professional prosecutors: the district attorney for the 132nd Judicial District; county attorney in Aransas County performing the duties of a district attorney; district attorney in the 25th judicial district; and, effective 1/1/17, the county attorney for Guadalupe County performing the duties of a district attorney. Abolishes office of county attorney of Kendall County and the office of district attorney for the 25th Judicial district in Gonzales and Guadalupe Counties. Authorizes additional bailiffs for county courts at law and family district courts in Tarrant County. See §§ 44.230, 45.104, 45.194, 46.002, 53.101-53.106, 53.121-53.128, Gov't Code. **See also** [Additional Courts](#).

SB 1876 – Effective 9/1/15.

Requires each court in a county with a population of 25,000 or more to establish and maintain lists of attorneys and other person who have registered and are qualified to serve as attorneys ad litem, guardians ad litem, mediators, and guardians of estates. With certain exceptions, requires judges to appoint the person whose name appears first on the list, and then move that person to the end of the list. Provides certain exemptions, including mediators in a county-established alternative dispute resolution system, and guardians and attorneys-ad-litem appointed in certain Family Code proceedings. Courts are authorized to maintain multiple lists categorized by type of case and person's qualifications and local administrative judges are authorized to maintain the lists for multiple courts. The lists must be posted at the courthouse and on the court's website. See §§ 25.0022, 74.092, 74.093, and new Chapter 37, Gov't Code.

Probate, Guardianships and Mental Health

HB 39 – Effective 9/1/15.

Provides alternatives to guardianship for incapacitated persons if they would meet the needs of a proposed ward and avoid the need for the appointment of a guardian. Requires judges, attorneys, guardians ad litem, and applicants to explore alternatives to guardianship prior to the filing of an application and granting of a guardianship, and to consider whether formal or informal resources and services could be put into place to prevent the need for a guardianship. Requires an attorney ad litem to discuss with the ward the attorney ad litem's opinion regarding whether a guardianship is necessary. Requires a physician's certificate of medical examination accompanying an application for guardianship to include information on whether the proposed ward's physical and mental condition might improve and, if so, the expected time frame, and requires that the ward be reevaluated pursuant to the physician's recommendation to determine whether a guardianship should be continued. Requires: (1) courts to consider whether the guardianship can be limited with supports and services; (2) judges and attorneys to consider whether a proposed ward could retain the right to make decisions about his or her personal residence; and, (3) guardians to provide notice to the court and any person who has requested notice prior to moving a ward into a more restrictive environment. Allows court or person receiving notice to object to the placement, and requires the court to hold a hearing if an objection is timely received. Requires an attorney filing an application for guardianship to obtain four hours of training in guardianship law prior to filing, and increases from three to four hours the approved training class regarding guardianship law to include one hour on alternatives to guardianship. Creates the Supported-Decision Making Agreement s to create a less restrictive substitute for guardianship, which are agreements between a disabled adult and an individual providing support with decisions regarding daily living. See §§ 1001.001, 1002.0015, 1002.015, 1002.031, 1054.004, 1054.054, 1054.201, 1101.001,

1101.101, 1101.103, 1101.151, 1101.152, 1101.153, 1104.002, 1151.051, 1202.001, 1202.051, 1202.151, 1202.152, 1202.153, 1202.154, 1202.156, and new Chapter 1357, Estates Code.

HB 1438 – Effective 9/1/15.

Amends various provisions of the Estates Code, Finance Code, and Government Code related to guardianships and incapacitated persons. Provides that when an existing guardianship is transferred to another county, the receiving court rather than the transferring court shall order the guardian to give a new bond or file a rider to an existing bond. Clarifies to whom (an adult relative) a notice of application for guardianship must be sent if the proposed ward has no living spouse, parent, adult sibling, or adult child. Authorizes the clerk to obtain from the court an order requiring that a person other than a guardian, attorney ad litem, or guardian ad litem provide security for costs for filing an application, complaint, or opposition related to a guardianship proceeding. Authorizes interested persons to intervene in a guardianship proceeding by filing a motion to intervene that is served on the parties, and prescribes the contents of the motion and the appropriate considerations for the court in exercising discretion to grant or deny the intervention. Provides that a court may order that a ward's cash, securities, and other assets be deposited in a financial institution for safekeeping, and reduce the guardian's bond proportionately. Amends the court-initiated guardianship provisions to provide that when a court appoints a guardian ad litem or investigator, the order must state that the person believed to be incapacitated may petition the court to have the appointment set aside, and that the incapacitated person must be provided an information letter at the initial meeting. Provides that compensation for a guardian ad litem may be ordered from a management trust, in addition to the ward's estate. Requires written notice to a proposed ward if a request is made to a financial institution for a customer record in connection with a court-initiated investigation. Expands the sources from which court costs of a guardianship proceeding may be paid, to include the guardianship estate, the management trust, or a party, and provides for payment out of the county treasury if there are insufficient assets in the ward's estate and a party has provided an affidavit of inability to pay costs. Exempts certain persons and entities from a requirement to pay court costs, and provides criteria for proof of inability to pay costs. Requires that criminal history information be obtained for a family member seeking a guardianship, in addition to other persons planning to represent the interest of a ward or guardian. Authorizes the guardian who is required to file an annual report with the court to file an unsworn declaration instead of a sworn declaration or affidavit. Sets out the parameters regarding the term of a temporary guardian when a guardianship application is contested. Requirements regarding initial accounting by a trustee of a management trust, which currently apply only to a management trust created while a guardianship proceeding is still pending, are modified to also apply to a management trust for a ward with an existing guardianship. Allows a court to appoint an attorney ad litem or guardian ad litem to sell a minor's property (up to a value of \$100,000) on the minor's behalf if the minor does not have a parent or managing conservator who is willing and able to do so.

Adds to the list of customer records that may be obtained through discovery from a financial institution. Authorizes discovery of records in connection with an investigation under the Estates Code relating to a guardianship application, a complaint about a guardianship, or a court-initiated investigation regarding the need for a guardianship. Authorizes the presiding judge of a statutory probate court and that court's clerk to assume certain duties regarding assignment of visiting judges if a judge authorized to hear probate and guardianship matters is recused or disqualified. See §§ 1023.005 and 1023.010, and Chapters 1051, 1052, 1053, 1054, 1055, 1101, 1102, 1104, 1155, 1163, 1203, 1251, 1253, 1301, 1351, Estates Code; § 59.006(a), Fin. Code; Chapters 25 and 26, Gov't Code.

[HB 2665](#) – Effective 6/19/15.

Authorizes a relative of a ward to file an application with the court requesting access, visitation, or communication with the ward; provides for a court hearing and for the terms of an order. Requires the court to consider: whether any prior protective orders had been issued against the applicant to protect the ward; whether a court or state agency had found that the applicant abused, neglected, or exploited the ward; and the best interest of the ward. Requires a guardian to inform certain relatives about circumstances regarding the ward’s health and residence, and about funeral arrangements upon the ward’s death (unless the relative provides a written request not to be notified.) Authorizes a motion, with required notice and the opportunity for a hearing, for a guardian to be relieved of the duty to provide notice to a relative under certain circumstances. Prescribes factors that the court should consider in ruling on the guardian’s motion. *See* §§ 1151.055, 1151.056, Estates Code.

[HB 3424](#) - Effective 9/1/15.

Requires the Office of Court Administration to conduct a study on the feasibility of developing, implementing, and maintaining a central database containing the names of incapacitated persons who have had a guardian appointed, and the names and contact information of guardians. Requires OCA to study best practices for protecting the privacy of the incapacitated persons and the confidentiality of information in the database, and to provide a report on the results of the study by 12/1/16. *See also* [Office of Court Administration](#).

[SB 512](#) - Effective 9/1/15.

Requires Supreme Court to promulgate forms and instructions for pro se individuals to use in probate matters and in making wills. Forms must be written in plain language, contain a statement that the form does not substitute for legal advice, be made readily available to the public, and be translated into Spanish. Court clerks are required to make the promulgated forms available free of charge. *See* § 22.020, Gov’t Code. *See also* [Supreme Court](#).

[SB 995](#) - Effective 9/1/15.

Amends multiple chapters of the Estates Code relating to decedents’ estates. Provides for the disposition of property in an irrevocable trust to a former spouse of the testator and the effect of dissolution of marriage on certain multiple party or “pay on death” accounts. Addresses inheritance rights of a “person in being,” defined as a child born before, or in gestation at, the time of the intestate’s death, and surviving for at least 120 hours. Revises procedures for a proceeding to declare heirship, including application requirements and waiver of service of citation under certain circumstances. Exempts written wills executed in another state or country from certain Texas attestation and proof requirements. Clarifies that a court may not prohibit a person from either executing a new will or codicil or revoking an existing will. Authorizes judicial modification or reformation of wills under certain circumstances on the petition of a personal representative, and gives the court discretion to conform a will as nearly as possible to the probable intent of the testator. Limits a court’s powers under other law to modify, reform, or terminate a testamentary trust. Adds provisions regarding the closing of lawyer trust or escrow accounts upon the death of the lawyer, authorizes a personal representative of an estate to hire a lawyer to disburse funds to the appropriate persons and close the account. It would authorize the Supreme Court to adopt rules regarding the administration of funds in a lawyer’s trust or escrow account subject to the new provisions. *See* Chapters 113, 123, 201, 202, 251, 253, 254, 255, 256, 257, 301, 309, 353,355, 401, 452, 456, 501, Estates Code.

[SB 1881](#) – Effective 6/19/15.

Authorizes disabled adults to voluntarily agree to supported decision-making agreements (as an alternative to guardianship). The bill outlines the scope and terms of a SDMA. Requires suspicion of abuse or neglect or a disabled adult to be reported to DFPS. See new Chapter 1357, Estates Code.

[SB 1882](#) – Effective 6/19/15.

Creates a bill of rights for wards under guardianship including, among others, rights to information, support services, consideration of personal preferences, timely health care, privacy, communication and visitation with persons of the ward’s choice, and the right to petition a court for capacity restoration or modification of the guardianship. Authorizes a ward to enforce these rights in the court having jurisdiction over the guardianship, and authorizes the award of attorney’s fees to an attorney appointed or retained to represent the ward. See § 1151.351, Estates Code.

Specialty Courts

[HB 3729](#) – Effective 6/16/15.

For veterans court programs, adds to the list of “essential characteristics” of such a program the inclusion of a participant’s agreeable family members in the treatment and services provided to the participant. See § 124.001(a), Gov’t Code.

[SB 1474](#) – Effective 9/1/15.

Amends veterans court programs, changing the name to veterans treatment court programs, and expanding availability to defendants who suffered sexual trauma during military service (in addition to brain injury, mental illness, or mental disorder). Deletes the requirement that the injury, illness, or disorder resulted from service in a combat zone or other hazardous duty area. Provides a court more discretion to order participation in veterans treatment court programs. Authorizes participants to utilize videoconferencing software or other internet-based communications to fulfill treatment or other court obligations. Authorizes a participant’s case to be transferred to a county where the defendant resides or works with the consent of both the court and the defendant, and sets out the procedures for the other court’s courtesy supervision. Authorizes a judge in which there is no veterans treatment court program to place a defendant in a program located in another county where the defendant works or resides if the defendant agrees to the placement. See §§ 54.976, 103.0271, 124.001, 124.002, 124.003, 124.004, 124.005, 124.006, 772.0061, Gov’t Code.

Supreme Court

[SB 478](#) – Effective 9/1/15.

Requires the Supreme Court to promulgate appropriate forms for pro se litigants to use in residential landlord-tenant matters. The forms must be readily available to the general public and translated into the Spanish language. The form must either (1) state that the Spanish-language version is only to assist in understanding and that the English version must be submitted to the court, or (2) incorporate the Spanish language translation into the English language form in a manner that is understandable to both the court and the public. Requires court clerks to inform the public of the availability of the forms and make the form available free of charge. See § 22.019, Gov’t Code.

[SB 512](#) - Effective 9/1/15.

Requires the Supreme Court to promulgate forms and instructions for pro se individuals to use in probate matters and in making wills. Forms must be written in plain language, contain a statement that the form does not substitute for legal advice, be made readily available to the public, and be translated into Spanish. Court clerks are required to make the promulgated forms available free of charge. See § 22.020, Gov't Code. **See also [Probate, Guardianship and Mental Health](#).**

Task Forces, Commissions and Committees

[HB 48](#) – Effective 6/1/15.

Creates the Timothy Cole Exoneration Review Commission under the auspices of the Texas Judicial Council to review and examine cases in Texas in which an innocent defendant was convicted and subsequently exonerated after 1/1/10. The Commission is composed of 11 members, including a member appointed by the chair of the Texas Judicial Council and the presiding officer of the Texas Indigent Defense Commission, or a designee. The Commission must submit its report by 12/1/16 to the governor, legislature, and Texas Judicial Council. See art. 43.27, Code Crim. Proc.

[HB 431](#) – Effective 5/28/15.

Creates an advisory committee to examine and recommend revisions to Chapter 58, Family Code, and any other relevant state laws pertaining to the retention of juvenile records. Members will be appointed by the Juvenile Justice Board, and will include, among others, juvenile court judges, justice court or municipal judges, and court administrators or court clerks. A report must be provided by 11/1/16 to the legislature and the Board.

[HB 1144](#) – Effective 6/17/15.

Establishes the Task Force on Improving Outcomes for Juveniles Adjudicated of Sexual Offenses to examine the adjudication, disposition, and registration of juvenile sex offenders. Membership includes, among others, the following individuals to be appointed by the governor: two judges, two prosecutors, two juvenile probation officers and two juvenile public defenders, one of each appointed from a rural county and one from an urban county. The Task Force must deliver a report of its findings and recommendations by 12/1/16 to the governor, legislative leadership, and various state agencies.

[HB 1396](#) - Effective 9/1/15.

Creates a commission to study and review all penal laws that appear in Texas law other than those appearing in the Penal Code, the Controlled Substances Act, or relating to the operation of a vehicle. The nine members include appointees of the chief justice of the Supreme Court, and the presiding judge of the Court of Criminal Appeals, as well as the governor, lieutenant governor, the speaker. The commission must submit its report by 11/1/16 to the governor, legislative leadership, the Supreme Court and the Court of Criminal Appeals. **See also [Criminal Law and Procedure](#).**

[HB 2455](#) – Effective 6/16/15.

Creates a task force to promote uniformity in collection and reporting of information regarding family violence, sexual assault, stalking, and human trafficking. Requires the director of OCA to appoint the presiding officer and requires OCA to provide necessary administrative and technical support. Requires a report to be submitted by 9/1/16 to the governor and legislative leadership. See new Subchapter F, Chapter 72, Gov't. Code.