

**Hits and Misses from  
the 82<sup>nd</sup> Legislative  
Session**

**PRESENTED  
BY CATHY  
RIEDEL,  
PROGRAM  
DIRECTOR,  
TMCEC**

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**Child Safety Seat Court Cost  
Repealed**



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**SB 1 (Special Session)**

- Repeals Section 545.412 TC
- Effective September 28, 2011

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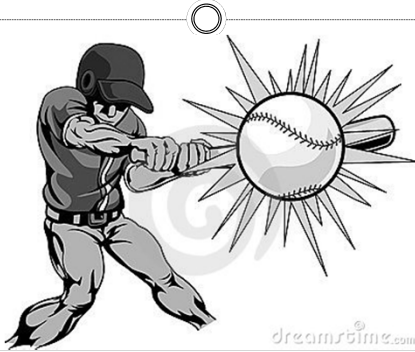
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**So, No New Court Costs!!!**



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**Record Retention of Historical Documents**

- Amends Sec. 441.026 GC
- Effective May 30, 2011



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### I Know They're in Here Somewhere



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### Concurrent Municipal Jurisdiction with Contiguous Cities

- HB 984
- Amends Sec. 29.003 GC and Art. 4.14 CCP
- Effective May 19, 2011



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## Court Building Security Fund

- SB 1521
- Amends Sec. 102.017 CCP
- Includes warrant officers and related equipment to list of authorized uses for fund



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## Hit or Miss?



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## Restricting Employee Access to Firearms?

- In Labor Code
- Effective September 1, 2011
- Check your local ordinances



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### Refund Cash Bond

- HB 1658
- Amends Art. 17.02 CCP
- Effective September 1, 2011
- Court clerks take note




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### Impact?

- What about Art. 45.043 CCP, Forfeiture of Cash Bond in Satisfaction of Fine?

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### 45.044 C.C.P. Conditional Plea

- A judge may enter a judgment of conviction and forfeit a cash bond posted BY THE DEFENDANT in satisfaction of the defendant's fine and cost IF the defendant:
- Has entered a written and signed plea of nolo and a waiver of jury trial and
- Fails to appear according to terms of release

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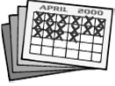
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**Time to Post Docket**

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- HB 1573
- Amends Art. 17.085 CCP
- Effective September 1, 2011
  - Take note if you do not post online docket

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**17.085 C.C.P.**

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- Now provides:
- Clerk that does not provide online internet access to that court's criminal case records shall post in a designated public place in the courthouse notice of a prospective criminal court docket setting **AS SOON AS THE COURT NOTIFIES THE CLERK OF THE SETTING.**

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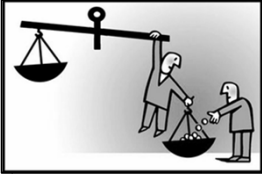
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### Collection Improvement Program

- HB 2949 (p. 25)
- Effective September 1, 2011
- Amends Art. 103.0033 L.G.C.
- Oh, remember SB 1?



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### Municipal Courts Week

- HR 1485 & 1486
- Effective May 19, 2011
- Recognizing the important work of municipal courts, the Legislature has designated
- Nov. 7-11, 2011 and Nov. 5-9, 2012 as Municipal Courts Week (p. 31)



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**Person First  
Respectful Language Initiative**

- HB 1481
- Effective September 1, 2011
- (p. 29)



A graphic with a black border containing the text "THE R-WORD HURTS" in a small font at the top, "DISABLE" in a large, bold, distressed font in the middle, and "THE LABEL" in a large, bold, distressed font at the bottom.

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**New Name Same Game**

- HB 1504 (p. 30)
- Effective June 17, 2011

TexasOnline

State Electronic Internet Portal

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**A slide from update in 2009...**

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**H.B. 319**  
**Juror Exemption for those**  
**with Custody of Children**  
**Under Age 15**



Effective Date:  
September 1,  
2009

AMENDS SEC.  
62.106 G.C.

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Now the age is 12



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**ORDINANCES**

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**What do these pictures have in common?**

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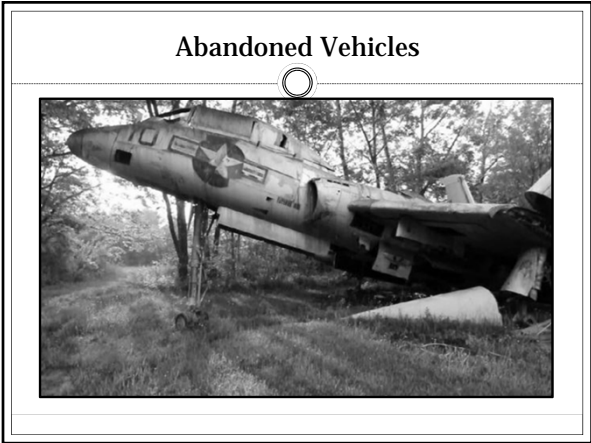
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### Abandoned Vessel and Abandoned Aircraft...

- HB 787  
Effective September 1, 2011  
Amends Sec. 683.011 TC
- And adds Section 31.0466 Parks and Wildlife Code
- (p. 31)

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### Substantive:

- New crimes
- New ways to commit old crimes

**Old**



**New**




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### Confidentiality and Protective Orders for Victims of Human Trafficking

- HB 2329
- Effective September 1, 2011
- Adds 7B to CCP
- Why does it matter to municipal courts?
- Caution: New Class C Misdemeanor, Art. 57D.03(d) CCP for public servant to disclose info




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**Fraudulent Emissions Inspection**

SB 197 (p. 36)  Effective September 1, 2011  
 Adds Sec. 548.6035 TC

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**Sexting:**

- SB 407 (p. 37)
- Effective September 1, 2011
- New offense Sec. 43.261 PC




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How does that apply to Municipal Court???????

- New Class C misdemeanor
- Applies to minor (under 18)
  - That knowingly promotes or possesses images depicting sexual conduct
  - If under 17 case must be transferred to juvenile court
  - What cases do we see?

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Issues?



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**Installation of Irrigation System  
Without a License**

- HB 2507
- Effective September 1, 2011
- Amends Sec. 1903.256 OC
- (p. 36)



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**K2—not the mountain**

- SB 331
- Effective September 1, 2011
- Sec. 481.1031 HSC
- (p. 37)




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**Jailers Authorities Expanded**



- **HB 1070 – Authorizes Jailers to Take Bail (p. 77)**
  - Creates Art. 17.025, CCP
- **SB 604 – Authorizes Jailers to Serve Criminal Process in Jail (p. 82)**
  - Creates Art. 2.31, CCP
  - Requires Special Training (Chapter 1701 Occupation Code)

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**Ch. 821, HSC - Costs and Appeals of Civil Hearings; Cruelly Treated Animals  
HB 963 (p. 76)**



- Costs
- Hearings are Not Trials?
- Juries Only on Appeal to County?

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## Motion for New Trial

- **SB 519 (p. 82) Amending Art. 45.037, CCP**
- **Time Period Changed from 1 to 5 Days**
- **Creates Uniformity with Civil Procedure for Justice Courts**
- **Does Not Create Uniformity Among Municipal Courts**
- **Municipal Courts or Records are Unaffected (Still 30 Days)**

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## SECTION 2: Recusal & Disqualification

- Section 29.012, Govt. Code is Repealed!!!
- TOTALLY NEW Subchapter 29A, Govt. Code
- 10 Totally New Procedural Rules Governing Recusal and DQ in ALL Municipal Courts
- Important to Distinguish between "Presiding Judge" and "Reg. PJ"
- Adapted from TRCP 18A

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- Contains "Recuse or Refer"
- Pecking Order Contemplates 1 or More Municipal Judges
- Efforts to Maximize Resources (Teleconference)
- Hearing on Motion Will Not be by a Municipal Judge
- Judge Assigned to Case Will be a Municipal Judge
- Provisions for Compensation Provided

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### SECTION 3: MANDATORY REPORTS

- Duty on City Secretary or Other Proper Employee
- Notice to Texas Judicial Branch on Days of Election Appointments for Mayor, Judges, Clerks
- Replaces Sec. 22.073 and 29.013, Govt. Code.




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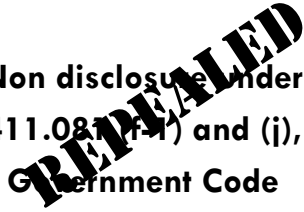
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HB 961 (Page 10)

Non disclosure under  
411.081 (f-1) and (j),  
Government Code




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HB 961 (Page 10)

- Adds Art. 44.2811
  - Class C Convictions, other than traffic, Confidential (if satisfied)
  - Contemplates appeals as well
- Adds Art. 45.0217
  - Access
    - Courts
    - Crim J Agencies
    - DPS
    - Child Defendant
    - Parent/Guardian
- Applies to all satisfied judgements past, present, and future




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**Community Service Comes in THREE FOUR Flavors**

**1. As a Mandatory Remedial Measure (status offenses involving juveniles: MIP, DUI, MIC, Tobacco, etc.)**

**2. As a reasonable condition of Deferred Disposition (Art. 45.051(b)(10) CCP)**

**3. As a Means for an Indigent Person to Discharge fine and Costs (Note: Must be Indigent. Community Service is as good as \$\$\$)**

**4. As A Means for a Defendants under the age of 17 to discharge assessed fines and costs (45.0492)**

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**Enjoy the rest of the  
Conference!**



**Enjoy the rest of  
the Conference**

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