

**Hits and Misses from
the 82nd Legislative
Session**

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

SB 1 (Special Session)

- Repeals Section 545.412 TC
- Effective September 28, 2011

**Record Retention of
Historical Documents**

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

Concurrent Municipal Jurisdiction with Contiguous Cities

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



Court Building Security Fund

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



Restricting Employee Access to Firearms?

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

Refund Cash Bond

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

Impact?


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

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

Time to Post Docket

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




17.085 C.C.P.

- 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.**

Collection Improvement Program

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



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)**



Person First Respectful Language Initiative

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




New Name Same Game

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

TexasOnline

State Electronic Internet Portal

A slide from update in 2009...




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.

ORDINANCES



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What do these pictures have in common?

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)

Substantive:

- New crimes
- New ways to commit old crimes

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



Fraudulent Emissions Inspection

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



Sexting:

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

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?

Installation of Irrigation System Without a License

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

K2—not the mountain

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


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)

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?





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)**

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

- 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

SECTION 3: MANDATORY REPORTS

- **Duty on City Secretary or Other Proper Employee**
- **Notice to Texas Judicial Council within 30 Days of Election Appointment or Vacancy of Mayor, Judges, Clerks**
- **Replaces Sec. 22.073(c), Govt. Code with Sec. 29.013, Govt. Code.**

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



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)**

Enjoy the rest of the Conference!



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