

86th Legislative Session Bills Significantly Impacting County Courts

County Jails

SB 1700 Whitmire Relating to the discharge of a prisoner from county jail. 9/1/19

Summary: Amends the Code of Criminal Procedure and the Government Code to require discharge of prisoners from county jails take place after 6 a.m. and before 5 p.m. Exceptions are permitted if the defendant:
Requests a release after 5 p.m. but before 6 a.m.;
Is subject to another arrest warrant;
Is being transferred; or
Is being admitted to an inpatient mental health facility or state supported living center for court-ordered mental health or intellectual disability services.

The Texas Commission on Jail Standards is authorized to monitor compliance with these discharges.

HB 2169 Allen Relating to hygiene products for female prisoners 9/1/19

Summary: Amends Gov't Code to require Texas Commission on Jail Standards to adopt reasonable rules and procedures by 12/1/19, establishing minimum standards for quantity and quality of feminine hygiene products, including tampons in regular sizes and menstrual pads with wings in regular and large sizes to female prisoners and inclusion of number of female prisoners in monthly reports to commissions beginning 10/5/19.

HB 1651 Gonzales, Mary Relating to pregnant women in county jails 9/1/19

Summary: Amends Gov't Code to require Texas Commission on Jail Standards to adopt reasonable rules and procedures on use of restraints to control or restrict movement of a prisoner who is confirmed to be pregnant or who has given birth in the preceding 12 weeks, unless health care professional determines use of restraints is necessary to prevent immediate and credible risk that prisoner will attempt escape or there is immediate and serious threat to the health and safety of prisoner, staff, or public.

SB 306 Watson Relating to the release by a peace officer of certain individuals suspected of the offense of public intoxication. 4/25/19

Summary: Provides statutory option for law enforcement to take publicly intoxicated individuals, upon their verbal consent, to a facility that provides a place for these individuals to become sober under supervision.

Mental Health

HB 601 Price, Zaffirini Relating to procedures and reporting regarding criminal defendants who are or may be persons with a mental illness or intellectual disability 9/1/19

Summary: Amends CCP to require LMHAs or service providers to collect information regarding potential mental illness or intellectual and development disability. Replaces current assessments, are confidential and not subject to public information law.

HB 4468 **Coleman** **Relating to community mental health programs in certain counties** **9/1/19**
Summary: Amends Gov't Code to require Texas Commission on Jail Standards to arrange for prisoners to access a mental health professional within a reasonable time if one is not available at the jail or through telemedicine health services. Sandra Bland cleanup and jailer training.

HB 362 **Huffman** **Relating to court-ordered mental health services** **9/1/19**
Summary: The bill reforms procedures relating to court-ordered outpatient and inpatient mental health services.

Courts

HB 2737 **Wu** **Relating to judicial guidance related to child protective service cases and juvenile cases** **9/1/19**

Summary: Requires the Texas Supreme Court to provide annual guidance to judges who preside over child protective cases or juvenile cases to establish greater uniformity across the state on certain issues relating to these cases, including the placement of children with severe mental health issues.

HB 3582 **Murr** **Relating to the punishment for certain intoxication offenses, the conditions of bond for defendants charged with certain intoxication offenses, and the eligibility for deferred adjudication community supervision of defendants who committed certain intoxication offenses.** **9/1/19**

Summary: Amends Article 17.441(a), Code of Criminal Procedure to allow judges the ability to grant deferred adjudication community supervision for certain DWI amend Boating WI offenses. Those defendants must install vehicle ignition interlock devices. The bill enhances the offense of DWI with a child passenger from a state jail felony to a 3rd degree felony under certain circumstances. And established procedures for defendants in these cases to request the court grant an order of nondisclosure of criminal record information. The bill allows the judges to grant deferred adjudication for first-time driving and boating while intoxicated offenses unless the defendant held a commercial driver license of a commercial learner permit, or if the alcohol concentration was 0.15 or more. Amends CCP to allow a magistrate to require a DWI with child passenger to install an ignition interlock device as a condition of bond release. Judge may waive the IID requirement under deferred adjudication community supervision if, based on a controlled substance and alcohol evaluation, the judge determines that the device is not necessary for the safety of the community. Additionally, the judge may waive or reduce the cost of the interlock device if the defendant is found indigent.

SB 31 **Zaffirini** **Relating to establishing a guardianship abuse, fraud, and exploitation deterrence program.** **9/1/19**

Summary: The bill adds Subchapter G to Chapter 72, Government Code to require Office of Court Administration to establish and maintain a guardianship, abuse, and exploitation deterrence program designed to provide additional resources and assistance to courts that have jurisdiction over guardianship proceedings.

SB 325 **Huffman** **Relating to establishing a protective order registry and the duties of court personnel and other persons and entities in regard to the registry.** **9/1/19**

Summary: The bill requires the OCA, in consultation with DPS, to establish and maintain a centralized internet-based registry for all protective orders. The bill requires the registry to be capable of interfacing with local court case management systems. The bill mandates courts to enter protective order information into the registry within 24 hours of filing, issuing, or modifying a protective order. The bill will require OCA to establish and supervise a training program for magistrates, court staff, and peace officers by June 1, 2020.

SB 583 **Hinojosa** **Relating to the appointment of a local public defender's office to represent indigent defendants in criminal cases.** **9/1/19**

Summary: Amends Subsections (a) and (f) of Article 26.04, CCP to clarify that a court in a county with a public defender's office must give priority in appointing that office with certain exceptions, such a finding of good cause.

SB 1125 **Hinojosa** **Relating to the use of video conferencing for testimony of a forensic analyst in a criminal proceeding.** **9/1/19**

Summary Amends the CCP o allow a forensic analyst to testify by video teleconference, as a witness in the prosecution of a criminal offense, if approved by the court and all parties. (must be able to transmit documents and be encrypted)

SB 2342 **Creighton** **Relating to the jurisdiction of, and practice and procedures in civil cases before justice courts. County courts, statutory county court and district courts.** **9/1/20**

Summary: Increases jurisdiction in Justice and county courts from \$10,000 to \$20,000.

SB 2048 **Zerwas** **Relating to the repeal of the driver responsibility program and the amount and allocation of state traffic fine funds** **9/1/19**

Summary: Eliminates program surcharges assessed on drivers convicted of driving offenses and replaces lost revenue with increases in certain fees and fines so there is no impact to funding trauma centers.

ESTATE PLANNING:

EST § 201.003 **Surviving Spouse's Intestate share if non-marital descendant** **9/1/19**

Summary: clarified statute to prevent misreading and clarifying that surviving spouse receives none of deceased spouse's half of community property.

EST § 111.101 & 111.102 **Grants personal representative the ability to obtain information about non-probate assets** **9/1/19**

Summary: Adds section to code to make it easier for the personal representative to prepare estate tax returns and ascertain whether the personal representative should pursue these assets to pay debts and expenses. Pertains to assets such as multiple party accounts, property subject to non-testamentary transfers, and insurance contracts that are not part of probate estate.

EST § 202.151 **Determination of Heirship** **9/1/19**

Summary: Determination of heirship will now require two disinterested and credible witnesses, unless the court can determine that one disinterested witness is sufficient if a diligent search does not discover another witness.

EST § 245.006

Grants Testator to grant authority to designate Administrator

9/1/19

Summary: Adds section for a testator to now grant another person (e.g., named executor, specified person) the authority to designate one or more persons to serve as the administrator of the testator's estate.

EST § 256.053(b)

Custody of Original Will

9/1/19

Summary: amends this section and clarified that the testator's original will must remain in the custody of the county clerk unless (1) a court order authorizes the temporary removal for inspection purposes or (2) the entire case is transferred to another court.

EST § 257.151 & 257.152 Conversion of Muniment of Title to Estate Administration

9/1/19

Summary: Added sections to deal with fact that a will that has already been admitted to probate as a muniment of title will not preclude a later estate administration as long as (1) either four years have not elapsed since the testator dies, or (2) the court determines that estate administration is needed under Estates Code § 301.002(b) (e.g. to recover property due a decedent's estate). Certain time periods for the court or personal representative to take action will now run from the date the personal representative qualifies rather than from when the court admitted the will to probate as a muniment of title (e.g. giving notice to the beneficiaries)

MISCELLANEOUS:

SB 944

Watson Relating to disclosure of certain information under the public information law

9/1/19

Summary: Includes private devices. Counties must develop policies and procedures for retention and release of information.