



TEXAS JUSTICE COURT JUDGES ASSOCIATION

Excellence and Integrity

JCJ Newsletter- June 20, 2007- New Laws UPDATED 11:00 a.m.

NEW LAWS

Here is a final list of many of the new bills we have been tracking at the website. There are many updates from one sent out earlier today.

Monday, August 27, 2007 (91st day following final adjournment) Date that bills without specific effective dates (that could not be effective immediately) become law.
[Sec. 39, Art. III, Texas Constitution]

ACCIDENT REPORT

SB 766- Relating to the transfer of powers and duties for accident reports from the Department of Public Safety to the Texas Department of Transportation.

Currently, the Crash Records Bureau (bureau), under the authority of the Texas Department of Public Safety (DPS), is charged with the responsibility of maintaining motor vehicle traffic accident reports, classifying accidents, collecting data from each accident report, and entering the information in to the Crash Records Information System. The purpose of the bureau is to maintain and provide accident data to the public and to the Texas Department of Transportation (TxDOT). TxDOT uses this data for state project planning and prioritization, evaluation of highway and railroad crossing safety, safe conditions on roadways, the effectiveness of safety programs, and to obtain funding to improve highway safety. TxDOT is the largest user of the bureau data, comprising more than 80 percent of the bureau's current workload. In July 2006, DPS proposed transferring responsibility for the accident records function to TxDOT, along with transferring 86 full-time employees. As proposed, S.B. 766 transfers the accident records function from DPS to TxDOT

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB766>

EFFECTIVE 9-1-2007

ADVERTISING

HB 412- Relating to erecting or maintaining certain outdoor signs or advertising; creating an offense; providing penalties.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=HB412>

EFFECTIVE 9-1-2007

ANIMAL ORDINANCES

HB 1411- Relating to the unlawful restraint of dogs; providing penalties. Would create a Class C misdemeanor offense if a person leaves a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement; between the hours of 10 pm and 6 am, within 500 ft of a school, or in extreme weather;

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1411>

EFFECTIVE 9-1-2007

ANIMAL ORDINANCES

HB 1355- Relating to dog attacks on persons; creating an offense (class C, destruction of animal). Across Texas, there have been increasing accounts of domestic dogs severely mauling and/or killing innocent people, who did not provoke the dogs. In almost all instances the horrific attacks occurred somewhere other than the dog owner's property. Also, when most of these attacks occurred the dog's owner was absent. Texas Health and Safety Code provides that a person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person. If the attack causes serious bodily injury or death, the offense is a Class A misdemeanor. For a dog to meet the definition of a dangerous dog it has to have made a prior unprovoked attack. This is bad public policy because in many dog attacks the dogs had not been previously declared dangerous. H.B. 1355 seeks to correct these concerns by increasing penalties to owners who fail to reasonably secure their dogs, resulting in serious bodily injury or death.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1355>

EFFECTIVE 9-1-2007

ASSORTED

HB 416- Restroom access for persons with certain medical conditions for persons with certain medical conditions.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=HB416>

EFFECTIVE 9-1-2007

BAIL BOND

HB 1158- Relating to the address to which notice of the forfeiture of a bail bond is delivered. Would require citation to an individual surety to be served at the last known address; would require citation to a defendant posting cash bail to be served to the defendant at the last known address of the defendant;

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1158>

EFFECTIVE 9-1-2007

C.D.L.

SB 387- Relating to loose material transported by vehicle.

<http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=80R&Bill=SB387>

EFFECTIVE 9-1-2007

CELL PHONES (or text messaging)

HB 401- Relating to the use of text messages and other electronic media to commit certain sexual offenses against minors or certain students. Current statute does not explicitly contain certain types of communications that are considered sexual offenses against minors or certain students. With technological advances, new methods of communications between adults and minors or students are constantly being created. Dangerous predators are protected from prosecution by using text messages or other electronic message service or system for solicitation of a minor. H.B. 401 adds text messaging and other electronic message services or systems as ways that a person can commit an offense of solicitation of a minor.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=HB401>

EFFECTIVE 9-1-2007

CHECKS

HB 485- Relating to collecting restitution in cases of Issuance of a Bad Check. Currently, businesses and other entities can only collect payment from bad checks through the courts, and sometimes this process takes multiple years before restitution is made. The current process is costly to small businesses that don't have the cash flow to wait long periods of time for restitution. C.S.H.B. 485 allows a law enforcement agency to collect restitution if the officer is executing the warrant against the person charged with the offense. The bill would help speed up the process while increasing the restitution limit.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=HB485>

EFFECTIVE 9-1-2007

CIVIL PROCEDURE

SB 1413/SB 1416- Relating to the amount of a judgment that may be appealed or removed from justice court (Raises minimum amount in controversy from \$20 to \$250). Would change the appellate jurisdiction of a county court in cases appealed from justice court where the amount in controversy exceeds \$250;

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1413>

EFFECTIVE 9-1-2007

CLERK

HB 2061-Relating to the disclosure of social security numbers under the public information law.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2061>

EFFECTIVE IMMEDIATELY

CLERK

HB 2104/SB 699- Relating to the use of driver's license and social security numbers in certain court documents. Would require the last 2 numbers of a defendant's driver's license, and the last 4 numbers of the defendant's social security number on an abstract of judgment; (For district, county, and probate court cases, would require proof by each party of the party's name, address, DL number, and SS number, with the clerk showing only the last 2 numbers of the DL and the last 4 numbers of the SS number as available to the public; would require information to be provided within 21 days, with a \$500 fine for failure to furnish the information;

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2104>

EFFECTIVE 9-1-07

CLERKS

HB 2564- Relating to the authority of a governmental body to require the payment of a charge before complying with certain requests for the production of public information or for copies of public information.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2564>

EFFECTIVE IMMEDIATELY

CLERK

SB 606- Relating to the disclosure of the name of a student or minor who is a victim of abuse or unlawful conduct by an educator.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB606>

EFFECTIVE IMMEDIATELY

CLERK

HB 587- Relating to the recording of certain information by a clerk of a court.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB587>

EFFECTIVE 9-1-2007

CONSTABLES

SB 1269- Relating to the performance of certain civil duties by officers in this state. Large default judgments obtained under federal copyright law against judgment-proof individuals have become legal financial obligations for counties, individual constables, and sureties due to the recent finding of a legal loophole. This loophole provides for the judgment against the original defendant to be translated into a judgment against one or more of the aforementioned parties through a motion filed in the underlying suit, asserting a variety of failures on the constables charged with execution of the writ,

without regard to the practical difficulties of collection in a given circumstance. C.S.S.B. 1269 provides explicit details relating to a constable's duties in executing a writ, and provides that damages are limited to actual damages.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1269>

EFFECTIVE 9-1-2007

CONSTABLES (Service of Process)

HB 487/ SB 1708- Relating to the continuing education requirements for constables. Under current law, deputy constables are required to complete continuing education in two consecutive 24-month training cycles that begin on September 1 of odd numbered years. Constables are required to complete 40 hours of continuing education within a 48-month period, beginning on the first anniversary after a constable's completion of the initial training required by law. The result is that the dates of the 48-month continuing education training period are not uniform among constables and do not necessarily coincide with training cycles for deputy constables. As proposed, H.B. 487 requires Texas Commission on Law Enforcement Officer Standards and Education to establish a uniform 48 month continuing education training period for constables that begins on the first day of the first uniform continuing education training period that follows the date that the individual completed the initial training period.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=HB487>

EFFECTIVE IMMEDIATELY

CONSTABLE

HB 488/SB721- Relating to discipline for certain law enforcement officers, including Constables. Currently, the enabling statute of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) contains sections 1701.302 and 1701.501 of the Occupations Code, which are in conflict. Section 1701.302, Occupations Code, states that the commission shall establish requirements for issuing the license and revocation, suspension, or denial of the license while Section 1701.501, Occupations Code, states that the commission may establish procedures for the revocation of a license issued under this chapter, other than a license issued to another officer elected under the Texas Constitution.

H.B. 488 would clarify the Occupations Code by authorizing TCLEOSE to revoke the license of an officer elected under the Texas Constitution only if the officer is convicted of a felony or a criminal offense directly involving the person's duties as an officer.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=HB488>

EFFECTIVE 9-1-2007

COURT COSTS

HB 3167- Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 79th Legislature to other Acts of that legislature. **NOTE*- This bill has extensive sections applying to Justice of the Peace that begins around page 117.. This lengthy bill conforms additions to the Insurance Code and the Special District Local Laws Code, which were enacted by the 79th Legislature, to other acts of the 79th Legislature, makes corrections to the codes, conforms other laws to the codes, and codifies other existing laws as new provisions in the codes. The bill makes various nonsubstantive amendments to enacted codes, including amendments to conform the codes to acts of previous legislatures, correct references and terminology, properly organize and number the law, and codify other law that properly belongs in those codes. The bill renumbers and reletters provisions of enacted codes and changes references to eliminate duplicated citations, relocate misplaced provisions, and correct corresponding references. The bill provides that it is a nonsubstantive revision that does not affect other acts of the 80th Legislature.**

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB3167>

EFFECTIVE 9-1-2007

COURT COSTS

SB 1412- Relating to certain fees collected by justice courts and small claims courts.

Would increase justice and small claims court filing fees to \$25;

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1412>

EFFECTIVE 1-1-2008

COURT COSTS

SB 600- The Judicial Support Fee increases from \$4 to \$6.

<http://www.capitol.state.tx.us/tlodocs/80R/billtext/doc/SB00600F.doc>

EFFECTIVE 1-1-2008

CRIMINAL NON-TRAFFIC

HB 1129- Relating to the prosecution and punishment of the offense of criminal trespass. (Expands class "c" definition) Currently, when a person trespasses on residential property, a police officer's only recourse is to arrest the trespasser. C.S.H.B. 1129 would create another type of criminal trespass: a Class C misdemeanor for trespassing on residential land. Providing for a Class C misdemeanor will allow a police officer to issue a citation without arresting the perpetrator.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1129>

VETOED BY THE GOVERNOR

CRIMINAL

HB 1766- Relating to the punishment for theft of aluminum, bronze, or copper wiring (Class C).

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1766>

EFFECTIVE 9-1-2007

CRIMINAL

SB 182- Relating to the prosecution of the offense of criminal trespass. Current law provides for an offense of trespass when a person enters or remains on or in the property, including an aircraft or other vehicle, of another person without effective consent. This law does not include a recreational vehicle park as such property subject to trespass. As proposed, S.B. 182 amends current trespass law to include a recreational vehicle park as property on which a person commits an offense if the person enters or remains on or in such property of another without effective consent.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=SB182>

VETOED BY THE GOVERNOR

CRIMINAL

HB 1871- Relating to information obtained regarding the sale of plastic bulk merchandise containers; providing a criminal penalty. (Obscure class C)

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1871>

EFFECTIVE IMMEDIATELY

DEED RESTRICTIONS

HB 3518- Relating to the powers of a property owners' association relating to restrictive covenants in certain subdivisions.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB3518>

EFFECTIVE 9-1-2007

DESTRUCTION OF PROPERTY

HB 977/SB 722- Relating to summary destruction or summary forfeiture of controlled substance property or controlled substance plants.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB977>

EFFECTIVE IMMEDIATELY

DISCOVERY

HB 1572- Relating to providing guidelines to the Supreme Court for the promulgation of rules for an exception from discovery in civil cases for nonparty law enforcement agencies.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1572>

EFFECTIVE 9-1-2007

DOG FIGHTING

HB 916- Relating to the prosecution and punishment of dog fighting. (will take offenses for dog and animal fighting out of the J.P. courts if passed, converting the offenses from class C to class A misdemeanors).

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB916>

EFFECTIVE 9-1-2007

DRIVER'S LICENSE

SB 1083- Relating to authorizing a judge or justice of the peace to request and obtain a copy of certain defendants' driving records from the Department of Public Safety using TexasOnline. Would allow the judge at the time of a request for DSC to require the defendant to pay the fee, and use TexasOnline to request DPS to send the defendant's driving record to the judge;

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1083>

EFFECTIVE 9-1-2007

DRIVERS LICENSE

SB 180/HB 84- Relating to renewal of a driver's license of an elderly person (over 90 years old). Would provide that an original DL of a person 85 years of age or older expires on the 2nd birthday after the date of the license application; a renewed DL of a person 85 years of age or older expires on the 2nd anniversary of the expiration date before renewal; Would allow DPS to require a written or driving examination for renewal;

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB180>

EFFECTIVE 9-1-2007

EDUCATION

SB 496- Relating to the use of the judicial and court personnel training fund. Current law restricts the use of the judicial and court training fund to the training of judges and attorneys. C.S.S.B. 496 allows Fund 540, the judicial and court training fund, to be used to train attorneys, judges, law enforcement officers, law students, and other participants in cases of indigent representation. This bill clarifies that the fund may be used to train law students.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB496>

EFFECTIVE 9-1-2007

E-FILING

SB 237- Would adopt Supreme Court rules for e-filing in J.P. Courts in the same fashion higher courts are currently using. Would require the Supreme Court to adopt rules governing electronic filing of documents in civil cases in justice of the peace courts;

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB237>

EFFECTIVE IMMEDIATELY

FAMILY VIOLENCE

SB 584/HB1907- Relating to the issuance or violation of an order for emergency protection on the basis of the offense of sexual assault or aggravated sexual assault. Current law authorizes a magistrate to issue an order for emergency protection to a victim of family violence or stalking. A victim of sexual assault is not eligible for such an order. However, the days immediately following the arrest of a sexual offender are particularly dangerous for the victim and an emergency protective order would provide critical and immediate protection for the victim while the victim seeks to obtain a more formal temporary ex parte or standard protective order. As proposed, S.B. 584 authorizes a magistrate to issue an emergency protective order to a victim of sexual assault.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB584>

EFFECTIVE IMMEDIATELY

FIREWORKS

HB 539- Relating to the regulation of fireworks and fireworks displays. Creates a County Commission for fireworks and several class “C” misdemeanors.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=HB539>

This Act takes effect immediately, except Section 1 takes effect January 2, 2008

HEALTH

HB 1585- Relating to administrative penalties imposed by a public health district for violations of health and safety provisions relating to retail food service. (Specifies Justice of the Peace as hearing officer). A public health district is an organization created jointly by a combination of cities and counties which permit and inspect food service establishments. Administrative penalties are commonly issued by the state and municipalities for violations of food safety regulations. Counties and public health districts do not have the authority to issue administrative penalties for food safety violations. The purpose of this bill is to grant this enforcement tool to counties and public health districts. This enforcement tool is in addition to any other existing enforcement mechanism available to counties and public health districts, and may be used at their discretion.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1585>

EFFECTIVE 9-1-2007

INQUESTS

HB 423- This is a bill that needs to be read by every judge who performs inquests. We will also review this bill extensively at our JCJ conference legislative update. Relating to requiring that medical examiners and justices of the peace report certain deaths that result from a motor vehicle accident to the Texas Department of Public Safety. Texas has one of the worst records in the nation for reporting the alcohol results for fatally injured drivers. One of the reasons for poor toxicology information is that Texas does not have a coordinated system of procedures for all agencies and individuals to follow when reporting these results for traffic fatalities. H.B. 423 amends Section 550.081, Transportation Code, to regulate certain details regarding the reporting of specific information pertaining to fatal traffic accidents by medical examiners or justices of the peace who are acting as coroners.

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=HB423>

EFFECTIVE 9-1-2007

INQUEST

HB 755- Relating to disciplinary action taken against a person required to file a death certificate.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB755>

EFFECTIVE 9-1-2007

INQUEST

HB 1739- Relating to electronic submission of certain information on a death certificate. In January 2006, the Vital Statistics Unit (VSU) of the Texas Department of Health Services (TDHS) implemented an electronic death registration system. Of the 185,000 deaths reported annually in Texas, 1 to 1.5% are now filed electronically. The statutory time for filing a death certificate is ten days. In reality, however, the average time from date of death until filing by the state is 33 days. Death certificates are traditionally filed by a local registrar who then submits the record of VSU via mail for filing at the state level. This is entirely a manual process. Once a record is filed by VSU, the processing time varies depending on how the request is received. They are able to fulfill requests significantly faster for electronically filed death certificates than those filed locally. Requiring the electronic filing of death certificate information would speed up the reporting process and greatly increase the efficiency and accuracy of death records.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1739>

EFFECTIVE 9-1-2007

INSURANCE

SB 502- Relating to the minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility. Current law sets forth minimum amounts of liability coverage for automobile insurance. The current required minimum amounts of coverage for bodily injury to or death of one person in one accident is \$20,000, for bodily injury to or death of two or more persons in one accident is \$40,000, and for damage to or destruction of property of others in one accident is \$15,000. These state-required coverage minimums do not cover instances of severe injury or property loss, and often times, the injured individual has little recourse in covering medical expenses beyond those covered by insurance. C.S.S.B. 502 increases the minimum liability coverage amounts for automobile insurance.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB502>

EFFECTIVE 9-1-2007

JURISDICTION

SB 618- Relating to the jurisdiction of the county, justice, and small claims courts in civil matters. **JURISDICTION RAISED TO \$10,000. SPONSOR'S WRITTEN STATEMENT-** Under current law, justice, county, and small claims courts have jurisdiction in matters up to \$5,000. A higher jurisdictional limit for these courts could help to expedite trials and to decrease the backlog in some of the higher level courts.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB618>

EFFECTIVE 9-1-2007

JUSTICE OF THE PEACE

HB 2300- Relating to the carrying of weapons by certain judges and justices and district and county attorneys.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2300>

EFFECTIVE IMMEDIATELY

JUSTICE OF THE PEACE

HB 1889- Relating to allowing certain active judicial officers, bailiffs, and other court employees to carry weapons.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1889>

EFFECTIVE IMMEDIATELY

LANDLORD-TENANT (includes MOBILE HOMES)

SB 1483- Relating to eviction suits in justice courts. Would require the following notice, in English and Spanish, in conspicuous print on the first page of the citation: **SUIT TO EVICT-THIS SUIT TO EVICT INVOLVES IMMEDIATE DEADLINES. CALL THE STATE BAR OF TEXAS TOLL-FREE AT 1-877-9TEXBAR IF YOU NEED HELP LOCATING AN ATTORNEY. IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY, YOU MAY BE ELIGIBLE FOR FREE OR LOW-COST LEGAL ASSISTANCE;**

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1483>

EFFECTIVE 9-1-2007

LANDLORD-TENANT

HB 3101- Relating to a residential tenant's rights and remedies. Would allow the landlord to require a tenant to provide only the make, model, year, and license number of a vehicle to be parked in a specific parking space or common parking area; Would prohibit a late payment of more than 7% of the amount of rent unpaid or paid late; Would allow a tenant to vacate premises on or before the 30th day after the tenant was a victim of a burglary or offense against the person as reported in a police report and obtain a refund of a security deposit; would require notification in conspicuous language;

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB3101>

EFFECTIVE 1-1-2008

LANDLORD-TENANT

HB 1551- Relating to judgments and remedies for common nuisances. Typically, the nuisance code is used to address problem places where the responsible party is not taking the appropriate steps to prevent illegal activity from occurring. Unfortunately, the remedies and judgments of the current nuisance code are structured in such a way that allow for a nuisance to continue even though a judgment has been rendered in court. The proposed complete committee substitute for House Bill No. 1551 will strengthen current nuisance law to give the petitioner and the court effective tools to discourage the use and maintenance of a common nuisance.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1551>

EFFECTIVE IMMEDIATELY

LAW ENFORCEMENT BY CAMERA (SEE ALSO red light camera)

HB 922- Relating to the power of a municipality to enforce compliance with speed limits by an automated traffic control system. BANS SPEED CAMERAS

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB922>

EFFECTIVE IMMEDIATELY

MAGISTRATION

SB 1404- Relating to criminal law hearing officers in certain counties. Criminal law hearing officers in Harris County have limited concurrent jurisdiction over criminal cases filed in the district courts, county criminal courts at law, justices of the peace, and statutory probate courts. As proposed, S.B. 1404 grants concurrent jurisdiction over criminal cases filed in justice courts of Harris County and all other additional powers as a magistrate, specified in the Code of Criminal Procedure and other laws of this state, to criminal law hearing officers.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1404>

EFFECTIVE IMMEDIATELY

MAGISTRATION

HB 1178- Relating to procedures applicable to waivers of the right to counsel in certain adversary judicial proceedings. Current law provides that a person accused of a crime is entitled to be represented by an attorney. Current law also provides that a defendant may waive the right to counsel if the waiver is intelligent and voluntary. Current law provides limited guidance on procedures under which waivers of the right to counsel may be legitimately obtained. The provisions in current statute do not adequately ensure that valid counsel waivers are obtained when indigent defendants fail to retain private counsel after attempting to do so. Current law also fails to adequately prohibit specific communications by prosecutors and judges that tend to undermine the validity of waivers of the right to counsel, including communications with defendants for whom a request for counsel is pending or has recently been denied. In order to provide additional meaningful protections for the right to counsel in criminal proceedings and to ensure the validity of convictions obtained subject to waivers of the right to counsel, this bill seeks to clarify the circumstances under which a court may or may not obtain from a defendant a waiver of the right to counsel and under which an attorney representing the state may or may not communicate with a defendant who is not represented by counsel.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1178>

EFFECTIVE 9-1-2007

MAGISTRATION

HB 2391- Relating to the appearance of certain misdemeanor offenders before a magistrate. Would allow an officer charging a person, including a child, with a Class B misdemeanor, with some exceptions, to issue a citation containing written notice of the time and place the person must appear before a magistrate; Would provide that if a person charged with a Class C or Class B misdemeanor appears before a magistrate in compliance with the citation, the magistrate must perform the duties imposed by CP 15.17 in the same manner as if the person had been arrested and brought before the magistrate;

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2391>

EFFECTIVE 9-1-2007

MISDEMEANOR

HB 1586-Relating to the creation of the offense of illumination of an aircraft by intense light (Class C).

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1586>

EFFECTIVE 9-1-2007

OATHS

SB 397- Relating to the administration of an oath in this state. Current law authorizes municipal judges, retired municipal judges, and municipal court clerks to administer oaths and provide a certificate of the fact only in matters pertaining to a duty of the court. As proposed, S.B. 397 authorizes municipal judges, retired judges, and clerks to administer oaths and provide a certificate of the fact and removes the limitation applying the authority only to matters pertaining to a duty of the court.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB397>

EFFECTIVE IMMEDIATELY

PARKS AND WILDLIFE

HB 1308/SB 574- Relating to deer breeding operations; providing a penalty (class C). The deer-breeding industry is relatively new to Texas, but preliminary data indicates it may already have a \$600 million annual economic impact in Texas. The industry's economic contributions, especially to rural areas, tourism and real estate, are beginning to be noticed, not only in Texas, but in states across the nation. A particular contribution is that it provides a viable alternative to land use of smaller acreage as large ranches are being fragmented and traditional livestock operations have become less profitable. Initial statutory efforts were made to encompass the needs and demands of the deer breeder industry, but additional clarification is needed to provide deer breeders with the tools and parameters they need. In addition, the growth of the deer breeder industry is confirmation it has become a viable economic generator for Texas. This bill also provides penalties for hunting or killing of a deer in a permitted facility other than exceptions such as human dispatch or testing and provides penalties for illegal purchase and selling practices of permitted deer. This legislation proposes to revise the scientific deer breeder statue to assure the language is more in line with current best practices.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1308>

EFFECTIVE 9-1-2007

PARKS AND WILDLIFE

SB 573/HB 1307- Relating to deer breeding operations; providing a penalty (modifies verbiage for a Class C). Currently, regulations found in Chapter 43 (Special Licenses and Permits), Parks and Wildlife Code, along with Parks and Wildlife Department rules, govern the deer breeding industry in Texas. These rules and laws do not account for current demands and practices. C.S.S.B. 573 creates a select interim committee to study the deer breeding industry and its economic contribution, especially its impact on rural areas, and requests that barriers to and opportunities for the industry's growth be identified.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB573>

EFFECTIVE 9-1-2007

RED LIGHT CAMERAS

SB 1119- Relating to the authority of a local authority to implement a photographic traffic signal enforcement system; providing for the imposition of civil penalties. (Another comprehensive red light camera bill) Analysis- As proposed, S.B. 1119 establishes the statutory authority for photographic traffic signal enforcement systems and institutes responsible guidelines so that the program is used for safety and not used as a revenue generating source. This bill restricts a contract between the municipality and a vendor so that compensation is not based on the number of citations issued. This bill also requires a traffic engineering study prior to the placement of a camera. The study would take into account the history of accidents, frequency of red light violations, and similar traffic engineering and safety criteria. This bill also addresses the issues relating to enforcement and penalties.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1119>

EFFECTIVE 9-1-2007

REPORTING

HB 2468- SOLOMONS- Relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties. Would include justices of the peace in the definition of county officers required to file financial statements under chapter 159 of the Local Government Code;

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2468>

EFFECTIVE 9-1-2007

RETIREMENT

HB 1587- Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System. The Texas County and District Retirement System (TCDRS) is a voluntary, statewide retirement system that administers service retirement, disability retirement, and death benefits for employees and officers of counties and other political subdivisions, excluding cities and school districts. Each participating subdivision separately funds its benefits, with both employers and employees making contributions to TCERS, and the system receives no state funding. This bill makes improvements to the administrative and operational side of the system and codifies current processes. In addition, the bill addresses benefit design, employer participation and termination, disability retirement, investment of assets, clarifies the Board's authorities and simplifies the prior service process.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1587>

This Act takes effect January 1, 2008, except Sections 62, 86, and 97 take effect September 1, 2007.

SCHOOL

HB 2455- Relating to the absence of a student from public school for a required court appearance. **Would excuse an absence from school for a required court appearance;**

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2455>

EFFECTIVE IMMEDIATELY

SCHOOL

HB 566- Relating to compulsory school attendance for students who are at least 18 years of age. Currently, school truancy laws are inapplicable to persons who voluntarily enroll in or attend school after their 18th birthday. Every year schools lose money due to the increasing dropout rate of these students; therefore, making truancy laws applicable to those students may decrease the dropout rate for schools. H.B. 566 authorizes school districts to require persons who voluntarily enroll in school or voluntarily attend school after their 18th birthday to attend school until the end of the school year. The bill also makes certain truancy laws applicable to these students, but does not provide for the imposition of sanctions on the parents of these students.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB566>

EFFECTIVE IMMEDIATELY

SCHOOLS and JUVENILES

HB 278- Relating to the authority of a school district board of trustees to create a criminal offense for violation of a district policy. Current statute authorizes school boards to adopt rules preserving safety and welfare within the school district, and provides that a violation is a Class C misdemeanor. As proposed, S.B. 443 provides that it is an offense for a person to violate a school district rule providing for the operation and parking of vehicles on school property.

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=80R&Bill=HB278>

EFFECTIVE 9-1-2007

SCHOOLS and JUVENILES

HB 2884- Relating to juvenile delinquency. Juvenile justice practitioners, juvenile court judges, prosecutors and juvenile probation officers assisted in making recommendations for this juvenile justice legislation. Most significant were recommendations related to the inter-county transfer of supervision of youth on probation who move away from the county where they were adjudicated. Clarifying substantive and technical refinements are provided to the procedures known as Inter-County Transfer of Probation Supervision which was originally enacted during the 79th Texas Legislature in 2005. These amendments include clarifying that transfer of probation supervision is inapplicable to counties within the same judicial district being served by one juvenile probation department; expanding required information that must accompany a child's case upon transfer to a receiving county; requiring sending and receiving county to establish official start date for transfer of supervision; providing a mechanism to collect and disseminate victim restitution; addressing the transfer of sex offenders; and procedures related to deferred prosecution transfer. These areas of concern and a number of other proposed amendments reflect the changing needs of a juvenile justice system that has increased in size, sophistication and complexity since the major reforms of the 74th Legislature in 1995.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2884>

EFFECTIVE 9-1-2007

SCHOOLS and JUVENILES

SB 1161- Relating to the filing of a complaint or referral to juvenile court by a school district against a student for failing to attend school. Would change from 7 to 14 days from the date of last absence, time which school district is required to file complaint

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1161>

EFFECTIVE IMMEDIATELY

SCHOOLS and JUVENILES

HB 1137- Relating to age and attendance requirements in public schools. Since 1986, Texas has lost 2.5 million primary and secondary students to drop-outs, costing citizens, public schools, and the state billions of dollars in lost income and revenue. Current law is unclear regarding the age of persons eligible to enroll in public schools and to receive state funding for their educations. By prohibiting a student from receiving credit for a course if the student attends fewer than 90 percent of class days, current law also encourages students to drop-out once they've missed too many class days to receive credit for that course. The Committee Substitute for House Bill 1137 seeks to increase the number of high school graduates from Texas public schools by explicitly allowing diploma-seeking students 21 years of age but under 26 years of age to be admitted to public schools and for districts to receive state-funding for those students. The bill also seeks to reduce drop-outs by lowering the attendance requirements necessary to obtain class credit, provided that the instructional requirements of the class are met.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1137>

EFFECTIVE IMMEDIATELY

SECURITY

HB 1380- Relating to court security and the use of money in courthouse security and municipal court building security. Would allow the use of money in the courthouse security fund to be used only for security related to buildings that house operations of district, county, or justice courts, including the activities of magistrates, hearing offices, referees, and masters; funds.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1380>

EFFECTIVE 9-1-2007

SMALL CLAIMS

SB 1416- Relating to the amount of a judgment that may be appealed from small claims court (RAISED FROM \$20 TO \$250).

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=80R&Bill=SB1416>

EFFECTIVE 9-1-2007

TOWING

SB 500- Relating to the establishment of a tow truck rotation list in certain counties; providing a penalty. (Big Counties only) **The growing number of cars and trucks on Texas roads has created an increased number of situations where vehicular accidents are occurring and a towing service is needed for a damaged vehicle. In Fort Bend County, an efficient and orderly manner for removing vehicles that have been involved in wrecks is necessary. Wrecking or tow trucks in many cases attempt to arrive at accident sites first. In doing so, they endanger other motorists by aggressively driving to the accident scene in an attempt to secure the tow for the wreck. In an attempt to eliminate any reason to try and beat competition to a wreck, C.S.S.B. 500 creates a mandatory tow truck rotation list for Fort Bend County. The rotation list will be maintained by the Fort Bend County Sheriff's office. C.S.S.B. 500 will also create a criminal offense (misdemeanor) for tow truck operators who arrive at a wreck scene without being summoned by the Sheriff's Office.**

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB500>

EFFECTIVE 9-1-2007

TRAFFIC

HB 1623- (SPONSORED BY JCJ) Relating to certain penalties and fees imposed for operating a motor vehicle or vessel in violation of law. **Would change the dismissal fee from \$10 to \$25, or add a \$25 dismissal fee to the following offenses: No license plate, expired license plate, wrong, fictitious, altered, or obscured license plate, license on demand, expired license, notice of change of address, special restrictions and endorsements, general penalty, equipment violations, expired inspection certificate, and operating vessel with expired certificate of number; Amended various times, including language that would making DWLI a class "c" misdemeanor IN Section 521.457, Transportation Code. Currently, only about one quarter of individuals who are cited to pay money for points/surcharge violations are doing so, and as a result, there has been a glut of Driving with License Invalid cases. These cases are jamming the courts-at-law, and the thinking by the bill's sponsor is that changing the offense from a class "B" to a class "C" would alleviate congestion in the higher courts, and reduce the number of arrests for this charge to avoid overcrowding jails with this violation.**

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=80R&Bill=HB1623>

EFFECTIVE 1-1-2008

TRAFFIC

SB 369/HB 348- Relating to an offense involving a motor vehicle with an altered or obscured license plate.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB369>

EFFECTIVE 9-1-2007

TRAFFIC

SB 330- Relating to enforcement of certain vehicle weight and safety requirements by a noncommissioned employee of the Department of Public Safety.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB565>

EFFECTIVE IMMEDIATELY

TRAFFIC

HB 278- Relating to the authority of a school district board of trustees to create a criminal offense for violation of a district policy. **Current statute authorizes school boards to adopt rules preserving safety and welfare within the school district, and provides that a violation is a Class C misdemeanor. As proposed, S.B. 443 provides that it is an offense for a person to violate a school district rule providing for the operation and parking of vehicles on school property.**

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB278>

EFFECTIVE 9-1-2007

TRAFFIC

SB 1127- Relating to the penalty for certain violations of county traffic regulations. As proposed, S.B. 1127 increases the penalty for disobeying, destroying, defacing, removing, or causing damage to county signs or traffic devices.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1127>

EFFECTIVE 9-1-2007

TRAFFIC (CRIMINAL)

HB 2267- Relating to the suspension of sentence and deferral of final disposition in certain misdemeanor cases. Would allow the judge to allow the defendant to pay costs during the period of probation, or perform community service to discharge the costs; would require a show cause for failure to comply, and allow an additional time for compliance on showing of good cause;

The Supreme Court decision in *Tate v. Short* (1971) held that it is unconstitutional to convert a fine into jail time for an indigent defendant who is unable to pay a fine. This case has since been used by municipal courts to offer alternative payment options to defendants in fine-only misdemeanor cases who are determined to be indigent. However, since statutory authority to do this does not exist, judges have become hesitant to continue offering such options. C.S.H.B. 2267 clarifies the statutory direction for the courts regarding the process by which punishments are determined in fine-only misdemeanor cases.

C.S.H.B. 2267 amends the Texas Code of Criminal Procedure to allow a judge in misdemeanor cases involving a fine-only punishment to provide for alternative fine payment options and a show cause hearing upon conclusion of a deferral period.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB2267>

EFFECTIVE 9-1-2007

TRAFFIC

HB 1781- Relating to information displayed on a disabled parking placard. Disabled parking placards are issued to people with disabilities, in addition to or instead of disabled license plates, in order to allow them to have access to handicap parking spaces when being transported by other people. In recent years, law enforcement agency officials and disability organization representatives have reported widespread misuse and alteration of disabled parking placards throughout Texas and around the nation. In response to privacy concerns raised regarding a complete drivers license number being recorded on disabled parking placards, in 2003, the Texas Legislature directed County Tax Assessors to record placard numbers with the first four digits of a drivers license number followed by the applicant's initials.

As a result of this change, when patrolling handicap parking spaces, law enforcement officers are unable to trace disabled parking placards to determine whether placards are valid, stolen, issued to persons who are now deceased, or issued from other counties. CSHB 1781 would direct County Tax Assessors to identify the county, issuing the disabled parking placard, by recording the 3 digit county number, followed by the first four digits of the applicant's driver's license number and then the applicant's initials. Passage of CSHB 1781 would once again enable law enforcement officers to determine which county issued a given disabled parking placard and to whom it was issued.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1781>

EFFECTIVE 9-1-2007

TRAFFIC

HB 586- Relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course. Would change the speed requirement to allow the defendant to take a DSC if the defendant is not charged with speeding 95 mph or more or 25 mph or more over the limit;

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB586>

EFFECTIVE 9-1-2007

TRAFFIC

SB 153- Relating to the creation of an offense involving the supervision of a vehicle operator holding an instruction permit (you can't sleep or be intoxicated).

<http://www.capitol.state.tx.us/BillLookup/text.aspx?LegSess=80R&Bill=SB153>

EFFECTIVE 9-1-2007

TRAFFIC

SB 1127- Relating to the penalty for certain violations of county traffic regulations. As proposed, S.B. 1127 increases the penalty for disobeying, destroying, defacing, removing, or causing damage to county signs or traffic devices.

<http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=SB1127>

EFFECTIVE 9-1-2007

TRAFFIC

HB 1267- A new \$2 court cost called INDIGENT DEFENSE will be added to all criminal cases except parking and pedestrian offenses.

<http://www.capitol.state.tx.us/BillLookup/Text.aspx?LegSess=80R&Bill=HB1267>

EFFECTIVE 1-1-2008

That is all! This one is in the books.