

REPORT ON THE TEXAS LEGISLATURE, 83RD SESSION: AN URBAN PERSPECTIVE



BY
THE EARL CARL INSTITUTE FOR LEGAL AND SOCIAL POLICY, INC.
AUGUST 29, 2013

TABLE OF CONTENTS

Message From Earl Carl Institute’s President, Dr. James M. Douglas	3
Message From The Institute Director, Sarah R. Guidry	3
Diagram of the Legislative Process	5
INTRODUCTION	5
CRIMINAL JUSTICE	7
I. CRIMINAL PROCEDURES.....	7
II. HUMAN TRAFFICKING.....	33
III. WRONGFUL CONVICTIONS	40
IV. DOMESTIC VIOLENCE	42
V. PRISONER EDUCATION	43
EDUCATION.....	45
I. SECONDARY EDUCATION.....	45
II. HIGHER EDUCATION	70
EMPLOYMENT	72
ELECTIONS.....	83
FAMILY & ELDER LAW	88
I. FAMILIAL RELATIONSHIPS	88
II. CHILD SUPPORT	96
III. FOSTER CARE	99
IV. HEALTHCARE.....	105
V. PROBATE.....	123
HOUSING, ENVIRONMENT & TRANSPORTATION	127
I. COMMUNITY DEVELOPMENT.....	139
JUVENILE JUSTICE.....	143
I. JUVENILE PROCEDURES	143
II. CLASS C MISDEMEANORS (SCHOOL TICKETING)	153
ABOUT THE EARL CARL INSTITUTE	160

Message From Earl Carl Institute's President, Dr. James M. Douglas



It is my pleasure to introduce the *Report on the 83rd Texas Legislature – An Urban Perspective* prepared by the Earl Carl Institute for Legal & Social Policy. The mission of the Institute is to identify, address, and offer solutions to legal and social problems that affect traditionally urban and disenfranchised communities. In addition, the Institute, through interdisciplinary scholarship and advocacy, aims to develop the leadership, research, and advocacy skills of law students to encourage public service and to enable the students to effectively address problems of underserved communities. The vision of the Institute is to serve as one of the nation's preeminent centers for research and advocacy on legal and social issues affecting underserved communities. We will serve as a leading voice in promoting social justice and be recognized for excellence in our programs and the quality of our community engagement.

Accordingly, you will find that ECI's report on the 83rd Texas Legislature distinguishes itself by focusing on legislative actions that directly impact the urban community.

Message From The Institute Director, Sarah R. Guidry



As the Executive Director of the Earl Carl Institute for Legal & Social Policy Inc., I would like to thank you for taking the time to review our summary of the 83rd Legislature that examines the past legislative session from an urban perspective.

The Institute's work on this project was through our Center for Government Law. It is the goal of the center to become an authority and resource on urban issues for legislators and other policy organizations.

It is our hope that you will find this report to be a helpful tool as you seek to examine how the actions of our legislators impact our communities.

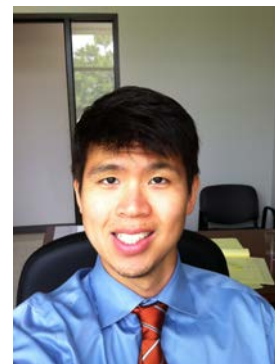
Student Interns

It has been our pleasure and a great learning experience to work on this *Report on the 83rd Texas Legislature -- An Urban Perspective*.



*Sean R. Darvishi,
TMSL 3L*

Our experience with the Earl Carl Institute has broadened our horizons as students and as people. There were many "hot issues" this session, including texting and driving, drug tests for financial assistance, and school marshals. This allowed us to take our researching to a higher level and get multiple points of view on social issues from various sources, including the Texas Legislature, and Texas and national media. It is our hope that you will find this report to be not only helpful, but thought-provoking as to how the legislature has been working to assist the citizens of Texas and the urban community.



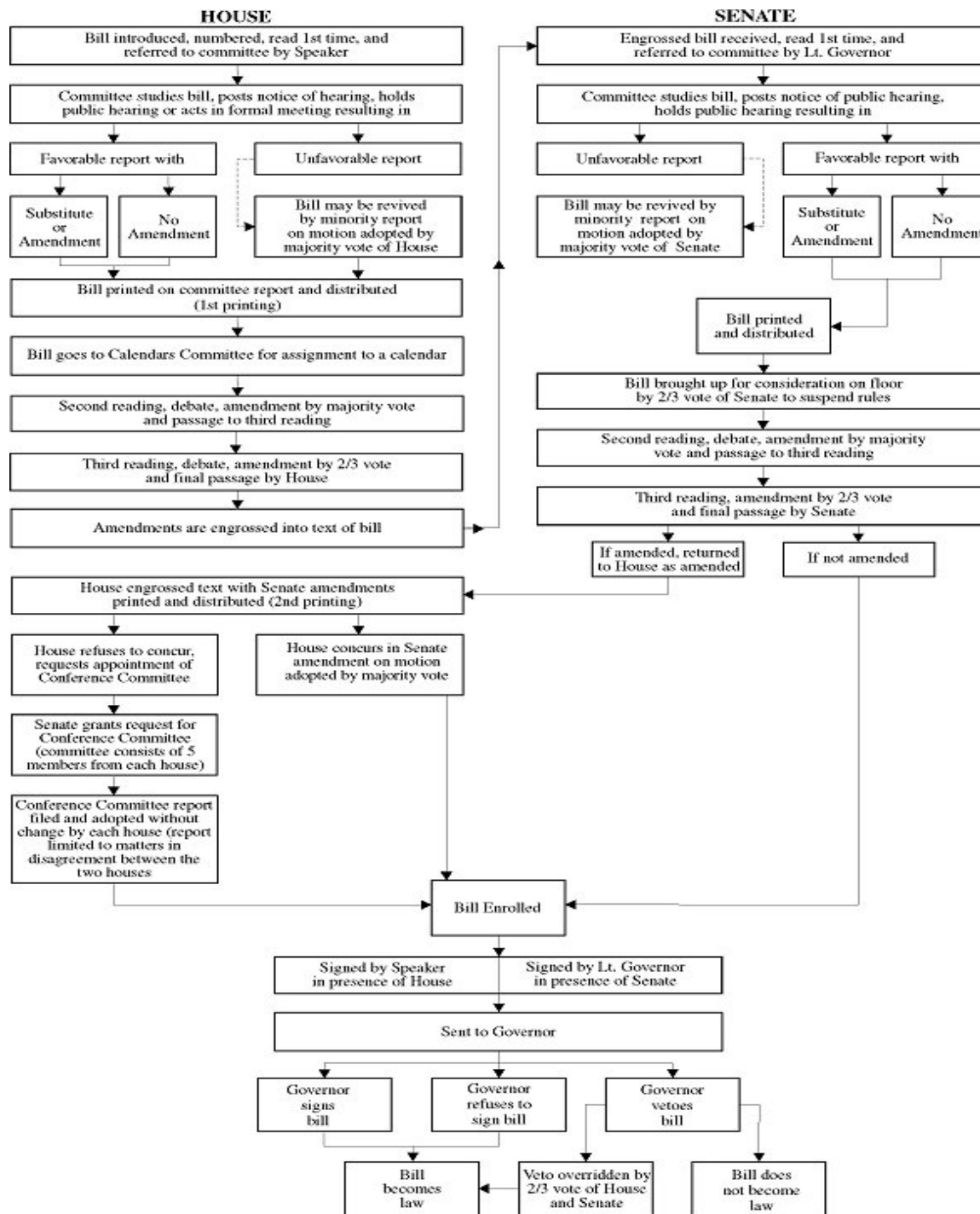
*Sung R. Kim,
TMSL 3L*

About The Earl Carl Institute Center for Government Law

The Center for Government Law was established to provide integrated academic and practical skills training in government administration and regulation to law students. Preparing students for the practice of law in the public sector is a primary goal of the Center. The Center works with numerous governmental organizations on the local, state, and federal level. The Center also serves as a bridge between government and academia by providing practical experience to students who assist government leaders in advancing research in a multitude of law and public policy arenas.

The Center is responsible for a report each biennial Texas Legislative session on the impact of new legislation on TSU and the urban community. It is the goal of the center to become an authority and resource on urban issues for legislators and for policy organizations.

Diagram of the Legislative Process¹



¹ Guide to Texas Legislative Information, Texas Legislative Council for the 83rd Legislature, <http://www.tlc.state.tx.us/pubslegref/gtli.pdf#page=7>

INTRODUCTION

The 83rd Texas Legislative Session was the regular bi-annual session and three (3) Special Sessions called by the Governor. The 83rd Texas Legislature filed 5,868 bills, with 1,573 bills passed, 26 bills vetoed, and 14 allowed to become law without the Governor's signature. Over 630 bills became effective immediately and 659 becoming effective on September 1, 2014.



The 83rd Legislative body included 50 new members comprised of 6 new senators and 44 new representatives. By many accounts from legislators and spectators alike, the 83rd legislative session has been described as both productive and amicable. These descriptions come despite controversy surrounding a heavily contested abortion bill that passed in the second called special session that will enact some of the toughest abortion measures in the country.

The legislature tackled such key issues as public education, charter schools, and student assessments, criminal justice and juvenile justice, state water plans and transportation, texting while driving, drug testing for unemployment benefits, and Medicaid expansion and mental health care.

The total budget was contained in five major bills instead of one, including SB 1, HB 1025, HB 6, HB 7 and SJR 1. Governor Rick Perry signed into law a two-year \$197-billion balanced budget made up of state and federal dollars; an increase of \$7.1 billion (3.7%) above the 2012--2013 biennium.

The Legislative Session's impact on Texas Southern University was important in several ways; H.B. 29 requires all public universities to offer incoming students a four-year, fixed rate tuition option. TEXAS Grants received a 25% increase to \$724 million, which should fund approximately 84% of new eligible students. Changes to the *B on Time Program* will allow universities to keep their proportional share of the contributed funds beginning in 2014. Tuition Revenue Bonds (TRB) were passed by both chambers, however a joint committee failed to reach an agreement, which would have provided \$66 million for a new library and learning center.

CRIMINAL JUSTICE

I. CRIMINAL PROCEDURES

1. **HB38** (Menendez) *Relating to the penalty for an offense involving motor vehicle airbags.*

Summary - House Bill 38 amends the Transportation Code to increase the penalty from a Class A misdemeanor to a state jail felony for offenses involving motor vehicle airbags. The bill enhances the penalty for such an offense to a felony of the first degree if it is shown at trial that the offense resulted in the death of a person.

Codification – Section 547.614 Transportation Code

Effective Date – September 1, 2013

2. **HB48** (Flynn) *Relating to the procedure under which a person may renew a license to carry a concealed handgun.*

Summary - House Bill 48 amends the Government Code to remove from the requirements to renew a concealed handgun license the completion of a continuing education course in handgun proficiency and submission of evidence of that proficiency and the renewal applicant's photograph. The bill requires the license holder to submit the required renewal materials on or before the date the license expires, requires the public safety director of the Department of Public Safety (DPS) by rule to adopt a procedure by which a license holder may submit the renewal materials on the Internet, and authorizes a license holder to make the required acknowledgment of the informational form describing certain weapons-related laws electronically on the Internet as an alternative to returning the form by mail. The bill requires the public safety director by rule to set the renewal fee in an amount sufficient to cover certain renewal-related costs to DPS, rather than to cover the actual cost to DPS only to renew a license.

Codification – Section 411.185, Government Code, Sections 411.188(d), (g), and (k), Government Code, Section 411.1881(a), Government Code, Section 411.201(g), Government Code, Sections 411.188(c) and (j) and 411.199(e), Government Code

Effective Date – September 1, 2013

3. **HB124** (Anderson) *Relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.*

Summary - House Bill 124 amends the Health and Safety Code to add to Penalty Group 3 of the Texas Controlled Substances Act Salvia divinorum, unless unharvested and growing in its natural state, and its derivatives and extracts.

Codification - Section 481.104(a), Health and Safety Code,

Effective Date - September 1, 2013

4. **HB 220** (Price/Herrero/Geren/Thompson, Senfronia/Moody) - *Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.*

Summary: House Bill 220 amends the Penal Code to include a first degree felony offense of serious injury to a child, elderly individual, or disabled individual committed by a person or by an owner, operator, or employee of an institutional care facility among the offenses for which the sentences may run concurrently or consecutively if the accused is convicted of or enters a plea agreement for more than one offense arising out of the same criminal episode.

Codification- Penal Code Section 3.03(b)

Effective Date- September 1, 2013

5. **HB 434** (Riddle) - *Relating to the persons authorized to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.*

Summary - Currently, only a physician, qualified technician, chemist, registered nurse, or licensed vocational nurse is authorized to take a blood specimen at the request or order of a peace officer for purposes of intoxication related offenses. Satisfying this requirement involves transporting the individual suspected of committing the offense to a facility, such as a hospital, which demands additional time and resources. In an effort to minimize the time and costs spent on blood draws under these circumstances, H.B. 434 revises the list of persons who are authorized to take a blood specimen at a peace officer's request or order by amending the Transportation Code to authorize a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic to take a blood specimen at a peace officer's request. The bill conditions that authority on authorization by the medical director for the entity that employs the technician-intermediate or technician-paramedic. H.B. 434

removes a chemist from the persons authorized to take a blood specimen at a peace officer's request or order for purposes of implied consent.

Codification- Transportation Code Section 724.017

Effective Date- September 1, 2013

6. **HB 438** (Dutton) - *Relating to the courts authorized to issue an occupational driver's license.*

Summary - House Bill 438 amends the Transportation Code to expand the courts in which an eligible person whose driver's license has been suspended may petition to apply for an occupational driver's license to include a justice court with jurisdiction over the precinct in which the person resides or the offense occurred for which the license was suspended.

Codification- Transportation Code §§ 521.242(a), (b), (e)

Effective Date- September 1, 2013

7. **HB555** (Callegari) *Relating to certain criminal offenses for violations of the law regulating metal recycling entities.*

Summary - House Bill 555 amends the Occupations Code to make it a Class C misdemeanor to violate a statutory provision or rule relating to the regulation of metal recycling entities, including a rule, charter, or ordinance, an order, or a standard imposed by a county, municipality, or political subdivision that is more stringent than but does not conflict with state law. If conduct that constitutes such an offense also constitutes an offense under other statutory provisions relating to metal recycling entities, the bill establishes that a person may be prosecuted only under the other provisions. The bill increases from a general misdemeanor to a Class A misdemeanor with a maximum fine of \$10,000 the penalty for knowingly violating statutory provisions relating to the registration requirements of a metal recycling entity, the term of a certificate of registration for a metal recycling entity, the furnishing of a certain required report to the Department of Public Safety, and the hours authorized for purchasing regulated material.

Codification - Section 1956.040(a-2), Occupations Code; Subchapter E, Chapter 1956, Occupations Code

Effective Date - September 1, 2013

8. **HB 577** (Guillen) - *Relating to the representation of certain applicants for writs of habeas corpus in cases involving the death penalty.*

Summary - Current Texas law authorizes the appointment of an attorney employed by a public defender's office with respect to an application for a writ of habeas corpus only if an attorney employed by the office of capital writs is not appointed in the case and the attorney employed by the public defender's office is on the list of competent counsel available for appointment maintained by the presiding judges of the administrative judicial regions. These conditions currently refer only to capital writs. H.B. 577 amends current law relating to the representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

Codification- Texas Code of Criminal Procedure §26.044(n)

Effective Date- September 1, 2013

9. **HB 634** (Farias/Lucio III) - *Relating to the verification of an inmate's veteran status by the Texas Department of Criminal Justice.*

Summary - County jails in Texas are required to meet the minimum standards set forth by TDCJ. These standards require, among other things, that county jails to complete a screening form for suicide, medical, and mental impairments for each person who is booked into the county jail. House Bill 634 amends the Government Code to require the TDCJ to investigate and verify the veteran status of each inmate by using data made available, through the Health and Human Services Commission, from the federal Public Assistance Reporting Information System (PARIS) and to use system data to assist inmates who are veterans in applying for federal benefits or compensation for which the inmates may be eligible under a program administered by the U.S. Department of Veterans Affairs.

Codification- Government Code Section 501.023

Effective Date- September 1, 2013

10. **HB798** (Thompson) *Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.*

Summary - House Bill 798 amends the Occupations Code to exempt from suspension or revocation of a license, disqualification from receipt of a license, or denial of the opportunity to take a licensing examination a person who has been convicted only of an offense punishable as a Class C misdemeanor unless the person is an applicant for or the holder of a license that authorizes the person to possess a firearm and the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by federal law.

Codification – Section 53.021 Occupations Code

Effective Date – September 1, 2013

11. **HB833** (Giddings) *Relating to certain procedures regarding an application for a writ of habeas corpus filed in a noncapital felony case.*

Summary - House Bill 833 amends the Code of Criminal Procedure to require a reporter designated to transcribe a hearing regarding an application for a writ of habeas corpus in a noncapital felony case to immediately transmit the transcript to the clerk of the convicting court on completion of the transcript.

Codification – Section 3(d) Article 11.07 Code of Criminal Procedure

Effective Date – September 1, 2013

12. **HB899** (Perry) *Relating to certain rights of victims, guardians of victims, and close relatives of deceased victims in the criminal justice system.*

Summary - House Bill 899 amends the Code of Criminal Procedure to entitle a victim of a capital felony offense, a guardian of such a victim, or a close relative of such a victim who is deceased to the right to receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist; the right to not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing written notice to the court; and the right to designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.

Codification – Articles 56.02(a) and (c), Code of Criminal Procedure

Effective Date – June 14, 2013

13. **HB1125** (Lavender) *Relating to the rights of an accused person in and the written waiver of extradition proceedings.*

Summary - Current law requires a person arrested under the Uniform Criminal Extradition Act pending extradition to another state to be taken before a judge of a court of record in Texas and, if an application for a writ of habeas corpus is sought, requires the judge to fix a reasonable time within which the person may apply for the writ. House Bill 1125 amends the Code of Criminal Procedure to alternatively authorize such a person to be taken before a justice of the peace

serving a precinct that is located in a county bordering another state and to require the justice to direct the prisoner to a court of record for purposes of obtaining a writ of habeas corpus, if sought. The bill sets out training requirements for such a justice who is not an attorney before the justice may perform an extradition-related duty or function and establishes requirements regarding the recording of the applicable extradition proceeding and record retention. The bill authorizes a prisoner to waive extradition proceedings in the presence of a justice of the peace serving a precinct that is located in a county bordering another state as an alternative to waiving the proceedings in writing before a judge or any court of record in Texas and imposes such a judge's duties prior to waiver execution on the justice.

Codification – Section 10, Article 51.13, Code of Criminal Procedure; Section 25a, Article 51.13, Code of Criminal Procedure

Effective Date – June 14, 2013

14. **HB1302** – (Clardy) *Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.*

Summary - House Bill 1302 enacts Justin's Law and amends the Code of Criminal Procedure to require a judge, in the trial of a sexually violent offense, to make an affirmative finding of fact and enter the finding in the case judgment on determination that the victim or intended victim was younger than 14 years of age at the time of the offense and to require a judge who places a defendant charged with a sexually violent offense on deferred adjudication community supervision to make an affirmative finding of fact and file a statement of that finding with the case papers on such a determination. The bill prohibits a person subject to sex offender registration for committing a sexually violent offense for which such an affirmative finding is entered from providing or offering to provide or operating or offering to operate for compensation certain transportation services, amusement ride services, or any type of service in another person's residence while unsupervised. The bill requires a local law enforcement authority that provides to a person subject to those prohibitions a sex offender registration verification form to include with that form a statement summarizing the types of employment that are prohibited for that person and requires a penal institution official, before releasing a person who will be subject to sex offender registration on release, to inform that person of those prohibitions

with respect to a sexually violent offense involving a victim younger than 14 years of age occurring on or after September 1, 2013.

House Bill 1302 amends the Penal Code to expand the offenses for which a conviction results in punishment by life imprisonment without parole if it is shown on trial that the defendant has previously been finally convicted of specified offenses to include certain sexually violent offenses committed on or after the defendant's 18th birthday. The bill includes those sexually violent offenses among the specified previous conviction offenses that render such punishment.

Codification – JUSTIN’S LAW; Article 42.015, Code of Criminal Procedure; Section 5(e), Article 42.12, Code of Criminal Procedure; Article 62.053(a), Code of Criminal Procedure; Article 62.058, Code of Criminal Procedure; Subchapter B, Chapter 62, Code of Criminal Procedure; Sections 12.42(b) and (d), Penal Code, Section 12.42(c)(4), Penal Code; Section 12.42, Penal Code

Effective Date – September 1, 2013

15. **HB1659** (Thompson, Senfronia) - *Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.*

Summary - Interested parties raised concerns regarding certain licenses being denied to individuals who have completed deferred adjudication and contend that these individuals deserve an opportunity to practice certain occupations, trades, and professions for which a license is required. H.B. 1659 limits the consideration of a deferred adjudication in the suspension or denial of an occupational license to any offense that requires registration as a sex offender; any offense that would prohibit the person from holding the license; or up to five years after the completion of the period of deferred adjudication, unless an order of nondisclosure regarding the offense has been issued by a court.

Codification- Occupations Code Section 51.356

Effective Date- September 1, 2013

16. **HB2025** (Capriglione) *Relating to the concurrent jurisdiction of the municipal courts of certain neighboring municipalities to hear criminal cases.*

Summary - Current law authorizes certain neighboring municipalities to enter into an agreement to establish concurrent jurisdiction for their municipal courts

in certain cases and to provide original jurisdiction in those cases to a municipal court in either municipality, and the bill enacting this law is applicable only to offenses committed or conduct that occurs on or after the bill's effective date. House Bill 2025 extends the applicability of this law to offenses committed or conduct that occurs before the date the current law took effect.

Codification – 29.003(i), Government Code; Article 4.14(g), Code of Criminal Procedure

Effective Date – June 14, 2013

16. **HB2090** (Canales) - *Relating to a written statement made by an accused as a result of custodial interrogation.*

Summary - House Bill 2090 amends the Code of Criminal Procedure to require a written statement of an accused that is signed by the accused or bearing the mark of the accused to be made in a language the accused can read or understand in order for such statement to be admissible as evidence against the accused in a criminal proceeding.

Codification-Code of Criminal Procedure Article 38.22

Effective Date- September 1, 2013

17. **HB2268** (Frullo) *Relating to search warrants issued in this state and other states for certain customer data, communications, and other related information held in electronic storage in this state and other states by providers of electronic communications services and remote computing services.*

Summary - House Bill 2268 amends the Code of Criminal Procedure to authorize a district judge to issue a search warrant for electronic customer data held in electronic storage by a provider of an electronic communications service or a provider of a remote computing service, regardless of whether the data is held at a location in Texas or in another state. The bill sets out requirements regarding application for and issuance of such a warrant, including probable cause that a specific offense has been committed and that the data sought constitutes related evidence and is held in electronic storage by the service provider on which the warrant is served. The bill limits the data that may be seized under the warrant, provides for the sealing of the affidavit for the issuance of the warrant, and establishes a deadline by which a peace officer must execute the warrant. The bill restricts service of such a warrant to a domestic service provider and certain providers under a contract or a terms of service agreement with a Texas resident,

requires a service provider to produce all data and information sought in the warrant, authorizes a court to find certain persons in contempt of court for noncompliance with a warrant within the period allowed for compliance, provides for the extension of a compliance period, and establishes the circumstances under which a warrant is considered served. The bill sets out requirements for a service provider in verifying the authenticity of the information produced in compliance with a warrant, establishes provisions regarding a hearing and decision on any motion to quash a warrant, and changes the deadline by which a service provider must create a copy of customer data sought by a subpoena or court order, if required. The bill requires any domestic provider of electronic communications services or remote computing services to the public to comply with a warrant issued in another state seeking information held in electronic storage if the warrant is served on the provider in the same manner as the bill's service of process requirements.

Codification – Article 18.02, Code of Criminal Procedure; Article 18.06(a), Code of Criminal Procedure; Article 18.07(a), Code of Criminal Procedure, Section 1(20); Article 18.20, Code of Criminal Procedure; Section 1, Article 18.21, Code of Criminal Procedure; Section 4, Article 18.21, Code of Criminal Procedure; Article 18.21, Code of Criminal Procedure; Section 6, Article 18.21, Code of Criminal Procedure; Section 8, Article 18.21, Code of Criminal Procedure; Sections 9(a) and (b), Article 18.21, Code of Criminal Procedure; Section 10, Article 18.21, Code of Criminal Procedure; Section 12(a), Article 18.21, Code of Criminal Procedure; Section 7, Article 18.21, Code of Criminal Procedure

Effective Date – September 1, 2013

18. **HB 2679** (Guillen) *Relating to permitting an alternative plea for a defendant detained in jail pending trial for a Class C misdemeanor.*

Summary - House Bill 2679 amends the Code of Criminal Procedure to authorize a justice or judge of a justice or municipal court to permit a defendant who is detained in jail to enter a plea of guilty or not guilty, a plea of nolo contendere, or the special plea of double jeopardy. The bill authorizes the justice or judge, after complying with certain statutory duties and advising a defendant who enters a plea of guilty or nolo contendere while detained in jail of the right to trial by jury, to accept the defendant's plea; assess a fine, determine costs, and accept payment of the fine and costs; give the defendant credit for time served; determine whether the defendant is indigent; or discharge the defendant, as appropriate.

The bill requires a motion for new trial following a plea of guilty or nolo contendere to be made not later than 10 days after the rendition of judgment and sentence and requires the justice or judge to grant the motion.

Codification - Article 45.023, Code of Criminal Procedure

Effective Date - September 1, 2013

19. **HB2620** - (Collier) *Relating to the creation of a task force on domestic violence.*

Summary - House Bill 2620 amends the Health and Safety Code to create the task force on domestic violence, composed of 25 members appointed by the executive commissioner of the Health and Human Services Commission. The bill provides for the appointment of a presiding officer, establishes the duties of the task force, and requires the task force to submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, certain members of the legislature, and certain state officials containing the findings and legislative, policy, and research recommendations of the task force and a description of the activities of the task force. The task force is abolished January 1, 2016.

Codification - Chapter 32, Health and Safety Code

Effective Date - June 13, 2014

19. **HB2719** (Guillen) *Relating to collecting and reporting information concerning inmates who have been in the conservatorship of a state agency responsible for providing child protective services and concerning inmate parole, reentry, and integration.*

Summary - House Bill 2719 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ), during the diagnostic process, to assess each inmate with respect to whether the inmate has at any time been in the conservatorship of a state agency responsible for providing child protective services and to annually submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee having primary jurisdiction over TDCJ summarizing statistical information concerning the total number of inmates who have been in that conservatorship. The bill requires TDCJ's reentry and integration division and parole division jointly to prepare and submit an annual report regarding parole and reentry and reintegration to those officials, the standing committees of the house and senate primarily responsible for criminal justice issues and corrections

issues, and the reentry task force established by TDCJ, sets out the specific information required to be included in the report, and requires the report to be made available to the public.

Codification – Subchapter A, Chapter 501, Government Code; Subchapter C, Chapter 501, Government Code

Effective Date – September 1, 2013

20. **HB2825** (King) *Relating to the authority of a county to establish a centralized sex offender registration authority.*

Summary - House Bill 2825 amends the Code of Criminal Procedure to remove a restriction on the authority of a county to establish a centralized sex offender registration authority. The bill adds change of address requirements for a person required to register with an authority and specifies that its provisions do not affect a person's duty to register with secondary sex offender registries as required by law.

Codification – Article 62.0045, Code of Criminal Procedure,

Effective Date – June 14, 2013

21. **HB3668** (Naishtat) *Relating to an individual's responsibilities following an accident reasonably likely to result in injury to or death of a person; imposing criminal penalties.*

Summary - House Bill 3668 amends the Transportation Code to require the operator of a vehicle involved in an accident that results in injury to or death of a person to immediately determine whether a person is involved in the accident, and if so, whether the person requires aid, in addition to other established statutory requirements for such an operator. The bill expands the applicability of those requirements to the operator of a vehicle involved in an accident that is reasonably likely to result in injury to or death of a person.

Codification – Section 550.021(a), Transportation Code

Effective Date – September 1, 2013

22. **SB12** (Huffman) *Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.*

Summary - Senate Bill 12 amends the Code of Criminal Procedure to authorize, in a trial of certain sex-related offenses committed against a child or an attempt or conspiracy to commit such offenses, the admission of evidence that the defendant has committed a separate such offense for any bearing the evidence has on relevant matters, including the defendant's character and acts performed in conformity with the defendant's character. The bill requires the trial judge, before such evidence may be introduced, to determine that the evidence likely to be admitted at trial will be adequate to support a finding by the jury that the defendant committed the separate offense beyond a reasonable doubt and to conduct a hearing for that purpose out of the jury's presence. The bill requires the state to give the defendant notice of the state's intent to introduce in the case in chief such evidence not later than the 30th day before the defendant's trial date and also applies this deadline to a notice of intent to introduce in the trial of certain sexual assault, trafficking, and prostitution-related offenses committed against a child evidence of other crimes, wrongs, or acts committed against the child victim for its bearing on relevant matters.

Codification - Article 38.37 Code of Criminal Procedure

Effective Date - September 1, 2013

23. **SB 107** (West) - *Relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure.*

Summary: S.B. 107 amends current law, closing the potential loopholes, by specifically providing that, with certain exceptions, a court may not disclose information in court records subject to an order of nondisclosure to the public. The bill also directs the clerk of the court issuing an order of nondisclosure to seal all related court records after the required information is sent to DPS. The bill also authorizes the person to file the petition in person, electronically, or by mail. The bill requires the petition to be accompanied by the \$28 court fee and other required fees, establishes requirements relating to the form for a petition filed electronically or by mail and the online posting of such a form by the Office of Court Administration, and sets out requirements relating to a hearing on a person's entitlement to file the petition conducted by the court that receives the petition before issuing the nondisclosure order.

Codification- Government Code § 411.081

Effective Date- September 1, 2013

24. **SB 128** (Nelson) *Relating to criminal history record information concerning certain applicants and clients of the Department of Assistive and Rehabilitative Services.*

Summary - Senate Bill 128 updates references to the Texas Rehabilitation Commission in the Government Code and transfers and amends provisions of the Human Resources Code to reflect the transfer of the commission's powers and duties to the Department of Assistive and Rehabilitative Services.

Codification - Section 411.117, Government Code; Sections 111.058 and 111.0581, Human Resources Code; Section 411.0985, Government Code; and Section 91.0165, Human Resources Code

Effective Date - June 14, 2013

25. **SB 222** (Watson) *Relating to the venue for prosecution of certain computer crimes.*

Summary - Senate Bill 222 amends the Code of Criminal Procedure to authorize the prosecution of certain computer crimes in any county in which an individual who is a victim of the offense resides.

Codification - Subsection (b), Article 13.25, Code of Criminal Procedure

Effective Date - September 1, 2013

26. **SB 275** (Watson) *Relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.*

Summary- Senate Bill 275 amends the Transportation Code to increase the penalty for leaving the scene of a motor vehicle accident resulting in the death of a person and failing to render aid from a third degree felony to a second degree felony.

Codification - Subsection (c), Section 550.021, Transportation Code

Effective Date - September 1, 2013

27. **SB 344** (Whitmire) *Relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence.*

Summary- Senate Bill 344 amends the Code of Criminal Procedure to authorize a court to grant a convicted person relief on an application for a writ of habeas corpus if the person files an application containing specific facts indicating that relevant scientific evidence is currently available and was not available at the time of the person's trial because the evidence was not ascertainable through the exercise of reasonable diligence by the person before or during the person's trial and would be admissible under the Texas Rules of Evidence at a trial held on the application date and if the court makes those findings and also finds that, had the

scientific evidence been presented at trial, on the preponderance of the evidence, the person would not have been convicted. The bill specifies that a claim or issue, for purposes of a subsequent application for a writ of habeas corpus, could not have been presented previously in an original or previously considered application if the claim or issue is based on relevant scientific evidence that was not ascertainable through the exercise of reasonable diligence by the convicted person on or before the date the respective application was filed. The bill establishes requirements for a court in making a finding as to whether relevant scientific evidence was not ascertainable through the exercise of reasonable diligence on or before a specific date.

Codification – Chapter 11, Code of Criminal Procedure

Effective Date – September 1, 2013

28. **SB 354** (West) *Relating to permitting electronic delivery of certain documents in a criminal case.*

Summary – Current law requires the transmission of certain documents in a criminal case to be by certified mail or by fax, personal service, or hand delivery. Senate Bill 354 amends the Code of Criminal Procedure to include secure electronic mail among the acceptable methods available for the transmission of such documents.

Codification – Subsection (b), Section 3, Article 11.07, Code of Criminal Procedure; Subsection (c), Section 6, Article 11.071, Code of Criminal Procedure; Subsection (b), Section 7, Article 11.072, Code of Criminal Procedure; Section 4, Article 38.41, Code of Criminal Procedure; Section 4, Article 38.42, Code of Criminal Procedure

Effective Date – September 1, 2013

29. **SB 357** (Hinojosa) *Relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.*

Summary – Senate Bill 357 amends the Code of Criminal Procedure to expand the applicability of state law regarding protective orders for victims of sexual assault or stalking to include victims of sexual abuse or trafficking and to expand the venues in which an application for such a protective order may be filed to include any court with jurisdiction over a family violence-related protective order involving the same parties named in the application and a district court, juvenile court having the jurisdiction of a district court, statutory county court, or constitutional county court in any county in which an element of the alleged offense occurred. The bill authorizes such a protective order to prohibit the alleged offender from communicating in any manner with the applicant or any

member of the applicant's family or household except through the applicant's attorney or a person appointed by the court, if the court finds good cause for the prohibition.

Codification – The heading to Chapter 7A, Code of Criminal Procedure; Subsection (b), Article 7A.01, Code of Criminal Procedure; Article 7A.03, Code of Criminal Procedure; Subsection (a), Article 7A.05; Code of Criminal Procedure, Chapter 7A, Code of Criminal Procedure

Effective Date – September 1, 2013

30. **SB 358** (Hinojosa) - *Relating to the use of a polygraph statement as evidence that a defendant or releasee from the Texas Department of Criminal Justice has violated a condition of release.*

Summary: As a condition of probation, defendants are often required to submit to regular polygraph testing in which they are asked about the other conditions of the probation. Some investigators and prosecutors have argued that a failed polygraph test is a sufficient basis upon which to revoke community supervision. S.B. 358 amends the Code of Criminal Procedure to make it clear that neither Texas judges nor a parole panel may revoke parole or mandatory supervision of a releasee solely on the basis of polygraph testing results.

Codification- Code of Criminal Procedure Art. 42.12

Effective Date- September 1, 2013

31. **SB 367** (Whitmire) *Relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.*

Summary – Senate Bill 367 amends the Code of Criminal Procedure to authorize a law enforcement agency to provide the owner of certain seized unclaimed or abandoned property who is arrested for a Class C misdemeanor notice relating to the property's description, location, and potential disposition, at the time the owner is taken into or released from custody. The bill requires the owner to sign and attach a thumbprint to the notice, establishes the required contents of the notice, and sets out disposition procedures for property for which such notice is provided but is not claimed by the owner before the 31st day after the owner's release from custody.

Codification – Article 18.17, Code of Criminal Procedure; Article 18.17, Code of Criminal Procedure,

Effective Date – June 14, 2013

32. **SB 369** (Whitmire) - *Relating to certain information available to the public on a central database containing information about sex offenders.*

Summary - S.B. 369 amends current law relating to certain information available to the public on a central database containing information about sex offender employment. This bill specifies that the information contained in the central database of the sex offender registration program that is not public information includes any information regarding the name, address, or telephone number of the employer of a person who is required to register under the program.

Codification- Code of Criminal Procedure Article 62.005(b)

Effective Date- September 1, 2013

33. **SB 387** (Nichols) *Relating to county participation in a program for improvement of collection of court costs, fees, and fines imposed in criminal cases.*

Summary – Current law requires a county with a population of 50,000 or greater to develop and implement a program to improve the collection of court costs, fees, and fines imposed in criminal cases. Senate Bill 387 amends the Code of Criminal Procedure to require the Office of Court Administration to grant a waiver of that requirement to a county that contains within its borders a correctional facility operated by or under contract with the Texas Department of Criminal Justice and that has a population of 50,000 or more only because the inmate population of all such correctional facilities is included in that population.

Codification – Article 103.0033 Code of Criminal Procedure

Effective Date – June 13, 2014

34. **SB 389** (West) *Relating to the imposition of court costs in certain criminal proceedings.*

Summary - Senate Bill 389 amends the Government Code to require the amount of a court cost imposed on a defendant in a criminal proceeding to be the amount established under the law in effect on the date the defendant is convicted of the offense.

Codification – Subchapter G, Chapter 51, Government Code; Section 51.608, Government Code; Subchapter G, Chapter 51, Government Code; Section 51.608, Government Code

Effective Date – June 14, 2013

35. **SB 390** (West) *Relating to the effective date of a new court cost or fee or of an amendment to the amount of a court cost or fee.*

Summary - Senate Bill 390 repeals a provision of the Government Code that

provides an exception to the requirement that certain new or amended court costs and fees imposed or changed during a legislative session become effective on January 1 of the following year if the law imposing or changing the amount of the cost or fee expressly provides that the requirement is inapplicable to the imposition or change in the amount of the cost or fee or if the law takes effect before August 1 or after the next January 1 following the regular session of the legislature at which the law was enacted.

Codification - Subsection (d), Section 51.607, Government Code

Effective Date - June 14, 2013

36. **SB 391** (West) *Relating to a defendant's obligation to pay a fine or court cost after the expiration of a period of community supervision.*

Summary - Senate Bill 391 amends the Code of Criminal Procedure to clarify that a defendant's obligation to pay a fine or court cost as ordered by a judge exists independently of any requirement to pay the fine or court cost as a condition of the defendant's community supervision. The bill specifies that a defendant remains obligated to pay any unpaid fine or court cost after the expiration of the defendant's period of community supervision.

Codification - Section 11, Article 42.12, Code of Criminal Procedure

Effective Date - September 1, 2013

36. **SB 549** (Williams) *Relating to penalties for engaging in organized criminal activity.*

Summary- Previous law made an offense of engaging in organized criminal activity a first degree felony if the most serious offense involved was a first degree felony. Senate Bill 549 enacts Chelsea's Law by amending the Penal Code to instead make such an offense a first degree felony punishable by imprisonment for life or for any term of not more than 99 years or less than 15 years and to make such an offense punishable by imprisonment for life without parole if the most serious offense involved is an aggravated sexual assault of a child victim of a certain age under certain circumstances. The bill revises the conduct that constitutes the offense of directing activities of certain criminal street gangs and makes the offense, which is a first degree felony, punishable by imprisonment for life or for any term of not more than 99 years or less than 25 years.

Senate Bill 549 amends the Code of Criminal Procedure to require a court to charge a jury assessing punishment in the trial of a felony offense of engaging in organized criminal activity, excluding a state jail felony, or a felony offense of directing activities of certain criminal street gangs, with certain written

information regarding the defendant's ability to earn good conduct time while incarcerated. The bill amends the Government Code to make an inmate serving a sentence for engaging in organized criminal activity or directing activities of certain criminal street gangs ineligible for release on parole until the actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but not in less than two calendar years, and to make an inmate serving a sentence for or who has been previously convicted of a first degree felony for either offense ineligible for release to mandatory supervision.

Codification – Subsection (a), Section 4, Article 37.07, Code of Criminal Procedure; Subsection (d), Section 508.145, Government Code; Subsection (a), Section 508.149, Government Code; Chelsea 's Law; Section 71.023, Penal Code
Effective Date – September 1, 2013

37. **SB 701** (Hegar) *Relating to a defense to prosecution for criminal trespass.*

Summary - Senate Bill 701 amends the Penal Code to specify that the defense to prosecution for criminal trespass applicable to an employee or agent of a gas utility includes an employee or agent of a municipally owned utility, as defined by the Gas Utility Regulatory Act, and to extend that defense to an employee or agent of an electric cooperative or municipally owned utility, as defined by the Public Utility Regulatory Act, who is performing a duty within the scope of that employment or agency.

Codification - Subsection (e), Section 30.05, Penal Code
Effective Date – September 1, 2013

38. **SB 727** (Taylor) *Relating to the eligibility for judge-ordered community supervision or for release on parole of certain defendants convicted of burglary with the intent to commit a sex offense.*

Summary - Senate Bill 727 amends the Code of Criminal Procedure and Government Code to include first degree felony burglary committed with the intent to commit certain felony sexual offenses among the offenses for which a judge is prohibited from placing a defendant on community supervision and among the offenses for which an inmate serving a sentence is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event in less than two calendar years.

Codification – Subsection (a), Section 3g, Article 42.12, Code of Criminal Procedure; Subdivision (1), Subsection (d), Section 508.145, Government Code
Effective Date – September 1, 2013

39. **SB 745** (Nelson) *Relating to sexual assault prevention and crisis services and to the administration of the Crime Victims' Compensation Act.*

Summary - Senate Bill 745 amends the Government Code to clarify the attorney general's duty to administer the Sexual Assault Prevention and Crisis Services Program, to authorize the attorney general to award grants to sexual assault programs, state sexual assault coalitions, and other appropriate local and statewide programs and organizations related to sexual assault, and to revise the attorney general's rulemaking authority with respect to determining eligibility requirements for a grant awarded under the Sexual Assault Prevention and Crisis Services Act and imposing services and reporting requirements on grant recipients. The bill clarifies the entities with or to which the attorney general may consult, contract, and award grants for special projects to prevent sexual assault and improve services to survivors and clarifies that the minimum services provided by a sexual assault program are provided to adult survivors of stranger and non-stranger sexual assault.

Senate Bill 745 clarifies that the biennial report required to be published by the attorney general is a report regarding grants awarded under the act, removes the requirement that the report summarize reports from programs receiving grants from the attorney general, and repeals provisions requiring the attorney general by rule to impose certain requirements on grant recipients and provisions regarding the suspension of grant money in cases of dispute regarding grant eligibility. The bill makes the duties of the Sexual Assault Prevention and Crisis Services Program regarding developing and distributing sexual assault evidence collection protocol and kits apply instead to the attorney general and authorizes an individual to act as an advocate for survivors of sexual assault if the person has completed a training program certified by the attorney general, rather than by the Department of Public Safety.

Senate Bill 745 amends the Code of Criminal Procedure to clarify that the attorney general's authority to award compensation for pecuniary loss arising from certain criminally injurious conduct that occurred before January 1, 1980, with respect to a victim whose identity is established by a law enforcement agency on or after January 1, 2009, is not contingent on the loss being incurred with respect to the victim's funeral or burial.

Codification – Subsection (a), Article 56.39, Code of Criminal Procedure; Article 56.61, Code of Criminal Procedure; Section 420.003, Government Code; Section 420.004, Government Code; Subsections (a), (b), and (d), Section 420.005, Government Code; Section 420.006, Government Code; Subsection (b), Section 420.007, Government Code; Section 420.009, Government Code; Section 420.010, Government Code; The heading to Section 420.011, Government Code;

Subsection (a), Section 420.011, Government Code; Subsection (a), Section 420.013, Government Code; Subsections (a), (b), and (c), Section 420.031, Government Code; Section 420.051, Government Code; Subsection (b), Section 420.073, Government Code; Subsection (e), Section 420.0735, Government Code; Subdivisions (2) and (3), Section 420.003, and Subsections (c) and (f), Section 420.005, Government Code

Effective Date - September 1, 2013

40. **SB 746** (Nelson) *Relating to unlawful acts against and criminal offenses involving the Medicaid program.*

Summary – S.B. 746 makes clarifying changes to bring the Texas Medicaid Fraud Prevention Act (TMFPA) into compliance with the federal Deficit Reduction Act (DRA).

Specifically, S.B. 746:

- clarifies that it is an unlawful act to conspire to engage in conduct that constitutes a violation of TMFPA;
- clarifies that it is an unlawful act for a person to retain a Medicaid overpayment, even if the person commits no additional overt act;
- increases the potential amount of the recovery that may be awarded to a relator from seven percent to 10 percent and clarifies that the relator may retain attorney's fees;
- codifies the state's position that a relator in a case in which the state has declined to intervene is entitled to pursue the same claims that the state would have been allowed to pursue;
- clarifies that the attorney general can veto the dismissal of the claims of a relator based on the prior disclosure of the allegations or transactions in Texas hearings or reports;
- clarifies that it is unlawful to retaliate against a relator for lawful actions by the relator or for the lawful actions of others associated with the relator; and
- clarifies that a relator has three years from the date of alleged retaliation to file a lawsuit.

S.B. 746 amends current law relating to unlawful acts against and criminal offenses involving the Medicaid program.

Codification - Section 36.002, Human Resources Code; Section 36.104, Human Resources Code; Subsections (b) and (c), Section 36.110, Human Resources Code; Subsection (b), Section 36.113, Human Resources Code; Subsection (c), Section 36.113, Human Resources Code

Effective Date – September 1, 2013

41. **SB 821** (Pitts) *Relating to the prosecution of certain criminal offenses involving theft or involving fraud or other deceptive practices.*

Summary – Senate Bill 821 amends provisions of the Penal Code, Business & Commerce Code, Code of Criminal Procedure, Government Code, and Tax Code relating to the prosecution of certain criminal offenses involving theft or fraud or other deceptive practices to replace references to a check with references to a check or similar sight order.

Codification – Subsection (a), Section 31.06, Penal Code; Subsection (e), Section 32.41, Penal Code; Subdivision (1), Subsection (a), Section 32.45, Penal Code; Subsection (a), Section 3.507, Business & Commerce Code; Subsections (a) and (e), Article 102.007, Code of Criminal Procedure; Article 102.0071, Code of Criminal Procedure; Sections 102.101 and 102.102, Government Code, The heading to Section 162.409, Tax Code; Subsections (a) and (d), Section 162.409, Tax Code,

Effective Date – September 1, 2013

42. **SB 983** (Ellis) *Relating to in camera review and filing of the information at issue in a suit filed under the public information law.*

Summary - Senate Bill 983 amends the Government Code to authorize the information at issue in any suit filed under state public information law to be filed with the court for in camera inspection as is necessary for the adjudication of the case. The bill sets out procedural requirements relating to this authorization, establishes that such information does not constitute "court records" within the meaning of a rule of the Texas Rules of Civil Procedure relating to the sealing of court records, and prohibits the clerk or any custodian of record from making such information available for public inspection.

Codification - Subchapter H, Chapter 552, Government Code

Effective Date – September 1, 2013

43. **SB 1044** (Rodriquez) *Relating to access to criminal history record information by certain entities, including certain local government corporations, public defender's offices, and the office of capital writs, and to an exemption for those offices from fees imposed for processing inquiries for that information.*

Summary - Senate Bill 1044 amends the Government Code to entitle the office of capital writs and a public defender's office to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a criminal case in which an attorney compensated by the office has been appointed and to prohibit DPS from charging a fee for providing the

information to those entities. The bill entitles a local government corporation created for governmental purposes relating to criminal identification activities that allocates a substantial part of its annual budget to those activities to obtain from DPS criminal history record information maintained by DPS that relates to an employee, consultant, intern, or volunteer of the corporation, an applicant for such a position, a person who proposes to enter into a contract with or has a contract with the corporation, or an employee or subcontractor or an applicant to be an employee or subcontractor of a contractor. The bill prohibits the release or disclosure of that criminal history record information obtained by a local government corporation except on court order or with the consent of the person who is the subject of the information.

Codification - Section 411.082, Government Code; Section 411.088, Government Code; Subchapter F, Chapter 411, Government Code; Subchapter F, Chapter 411, Government Code

Effective Date - September 1, 2013

44. **SB 1083** (Rodriquez) *Relating to an appeal from an interlocutory order of certain courts.*

Summary - Senate Bill 1083 amends the Civil Practice and Remedies Code to include statutory probate courts among the courts whose interlocutory orders may be appealed.

Codification - Subsection (a), Section 51.014, Civil Practice and Remedies Code,

Effective Date - September 1, 2013

45. **SB 1096** (Hinojosa) *Relating to the monthly fee a defendant must pay during a period of community supervision.*

Summary - Senate Bill 1096 amends the Code of Criminal Procedure to prohibit a judge from requiring a defendant to pay the fixed monthly fee imposed on the defendant during a period of community supervision for any month after the period of community supervision has been terminated by the judge.

Codification - Section 19, Article 42.12, Code of Criminal Procedure

Effective Date - September 1, 2013

46. **SB 1289** (Williams) *Relating to certain business entities engaged in the publication of mug shots and other information regarding the involvement of an individual in the criminal justice system; providing a civil penalty.*

Summary - Currently, there are several businesses that post public criminal record information, including mug shots, and then charge a fee to either remove, correct, or modify the publically posted criminal record.

In an effort to ensure that all public criminal record information that is reposted by a business entity is correct and fair, S.B. 1289 will guarantee that a person has a clear and free avenue to dispute the posted record by placing requirements on those businesses.

S.B. 1289 will only apply to business entities that require a payment to either remove, correct, or modify criminal record information.

S.B. 1289 amends current law relating to certain business entities engaged in the publication of mug shots and other information regarding the involvement of an individual in the criminal justice system, and provides a civil penalty.

Codification - Subtitle C, Title 5, Business & Commerce Code

Effective Date - September 1, 2013

47. **SB 1292** (Ellis) *Relating to DNA testing of biological evidence in certain capital cases.*

Summary - Senate Bill 1292 amends the Code of Criminal Procedure to require the state, before a defendant is tried for a capital offense in which the state seeks the death penalty, to require either the Department of Public Safety through one of its laboratories or an accredited crime laboratory to perform DNA testing on any biological evidence in the state's possession that was collected as part of an investigation of the offense. The bill requires the laboratory that performs the DNA testing to pay for the testing. The bill establishes procedures for determining which biological materials collected as part of the investigation qualify as biological evidence that is required to be tested, including procedures relating to a hearing if the state and the defendant do not agree on that qualification, and requires the evidence to be tested if the two parties agree on which biological materials constitute biological evidence. The bill requires a laboratory that tested an item of biological evidence that is destroyed or lost as a result of the DNA testing to provide to the defendant any bench notes prepared by the laboratory related to the evidence and test results. The bill establishes a writ of mandamus as a defendant's exclusive remedy for testing that was not performed as required, prescribes a time frame for seeking such remedy, entitles the defendant to only one application for that writ, and authorizes the defendant to file one additional motion for forensic testing after an application for a writ of habeas corpus is filed in the case.

Senate Bill 1292 also authorizes a defendant to have another accredited crime laboratory perform additional testing of any biological evidence required to be tested and, on an ex parte showing of good cause, to have an accredited laboratory test any biological material that is not required to be tested. The bill

specifies that the defendant is responsible for the cost of any testing performed under these provisions.

Codification - Article 38.43, Code of Criminal Procedure; Subsections (i), (j), (k), (l), and (m), Article 38.43, Code of Criminal Procedure

Effective Date - September 1, 2013

48.SB 1360 (Rodriguez) *Relating to the punishment for the offense of tampering with a witness and the evidence that may be offered to show that offense.*

Summary - Senate Bill 1360 amends the Penal Code to make a tampering with a witness offense the greater of a third-degree felony or the most serious offense charged in the criminal case if the underlying official proceeding involves family violence and the greater of a second-degree felony or the most serious offense charged in the criminal case if the underlying proceeding involves family violence and the defendant has previously been convicted of an offense involving family violence under Texas laws or another state's laws. The bill establishes the circumstances under which a person is considered to coerce a witness or prospective witness for purposes of the previously described conduct constituting tampering with a witness.

Senate Bill 1360 amends the Code of Criminal Procedure to authorize a party to the prosecution of a tampering with a witness offense in which the underlying official proceeding involved family violence or in which the actor is alleged to have committed the offense by committing an act of family violence against a witness or prospective witness to offer testimony or evidence of all relevant facts and circumstances that would assist the trier of fact in determining whether the actor's conduct coerced the witness or prospective witness. The bill prohibits a party to a criminal case who wrongfully procures the unavailability of a witness or prospective witness from benefiting from the wrongdoing by depriving the trier of fact of relevant evidence and testimony and specifies that such party forfeits the party's right to object to the admissibility of evidence or statements based on that unavailability through forfeiture by wrongdoing. The bill establishes provisions regarding the admissibility and use of evidence and statements related to a party that has engaged or acquiesced in such wrongdoing to make a showing of forfeiture by wrongdoing and prescribes procedures for a court in determining the admissibility of such evidence or statements. The bill specifies that a conviction for a tampering with a witness offense or an obstruction or retaliation offense creates a presumption of forfeiture by wrongdoing. The bill provides for the applicability of certain rules of evidence to its forfeiture by wrongdoing provisions.

Codification - Subsection (a), Section 36.05, Penal Code; Section 36.05, Penal Code; Chapter 38, Code of Criminal Procedure

Effective Date – September 1, 2013

49. **SB 1451** (Hinojosa) *Relating to the prosecution of the offense of money laundering and to the forfeiture of certain contraband.*

Summary - Senate Bill 1451 amends the Code of Criminal Procedure and Penal Code to authorize a district court to issue a search warrant authorizing a peace officer to seize as substitute property that is not contraband any property of a person who is or was the owner or who has or had an interest in contraband with an aggregate value of \$200,000 or more if the officer submits an affidavit containing certain statements and a description relating to the contraband and the commission of an offense giving rise to contraband forfeiture. The bill establishes provisions regarding the disposition of the substitute property after seizure, provides for the return of property when the fair market value of the substitute property seized exceeds the highest fair market value of the contraband, and sets out the circumstances under which its provisions regarding substitute property and contraband apply. The bill requires a peace officer who identifies contraband, other than real property, that is determined to be located outside of Texas to provide the attorney representing the state a sworn statement that identifies the contraband and the reasons the contraband is subject to seizure, establishes provisions regarding forfeiture of the contraband, and establishes a court's authority to enter judgments, order payments, and impose penalties when any person has acted to prevent the seizure and forfeiture of such contraband after being served with a citation. The bill requires a peace officer who identifies proceeds that are gained from the commission of certain specified offenses to provide the attorney representing the state with an affidavit that identifies the amount of the proceeds and states probable cause that the proceeds are contraband subject to forfeiture and authorizes the attorney representing the state, on receiving the affidavit, to file for a judgment in that amount. The bill requires the court to order that citation be served on all defendants named in a suit on a determination that probable cause exists for the suit to proceed and makes each person who is shown to have been a party to an underlying offense for which the proceeds are subject to forfeiture jointly and severally liable in the suit. The bill prohibits a court, if property or proceeds are awarded or forfeited to the state for an underlying offense, from awarding or forfeiting additional property or proceeds that would exceed the highest fair market value of the contraband subject to forfeiture for that offense and authorizes calculation of the highest fair market value at any time during the period in which the applicable person owned, possessed, or had an interest in the contraband.

Codification - Subdivisions (1) and (2), Article 59.01, Code of Criminal Procedure; Article 59.011, Code of Criminal Procedure; Chapter 59, Code of

Criminal Procedure; Subsection (p); Article 59.06, Code of Criminal Procedure
Effective Date – September 1, 2013

50. **SB 1512** (Ellis) *Relating to the confidentiality of certain crime scene photographs and video recordings.*

Summary - Senate Bill 1512 amends the Government Code to make confidential and to except from state public information law a sensitive crime scene image in the custody of a governmental body, regardless of the date the image was taken or recorded. The bill prohibits the governmental body from permitting a person to view or copy the image and excepts specified persons from this prohibition.

Codification - Subchapter C, Chapter 552, Government Code

Effective Date – September 1, 2013

51. **SB 1611** (Ellis/Duncan) - *Relating to discovery in a criminal case.*

THE MICHAEL MORTON ACT

Summary: SB 1611 requires prosecutors to turn over to the defense any relevant evidence that may help the defendant, including witness lists. The defense also has a reciprocal obligation to turn over certain information to the prosecution. The bill defines what is considered to be privileged work product.

Codification- Code of Criminal Procedure Article 39.14

Effective Date- January 1, 2014

II. HUMAN TRAFFICKING

1. **HB 8** (Thompson, Senfronia/Hunter/Muñoz, Jr./Burkett/Gonzalez, Naomi) *Relating to the prosecution and punishment of offenses related to trafficking of persons and to certain protections for victims of trafficking of persons.*

Summary - House Bill 8 revises provisions relating to the prosecution and punishment of offenses related to trafficking of persons and to protections for trafficking victims. This bill amends Code of Criminal Procedure provisions regarding protective orders and temporary ex parte orders to, among other things, include certain protections for victims of sexual abuse and trafficking. The bill makes a defendant convicted of compelling prostitution or trafficking of persons ineligible for jury-recommended community supervision and requires the Board of Pardons and Paroles to develop certain educational materials for certain persons who commit an offense solely as a trafficking victim. The bill includes a trafficking victim among the persons eligible to receive a certain onetime-only assistance payment and among the persons for whom the attorney general is required to establish an address confidentiality program. HB 8 amends the Government Code to make an inmate serving a sentence for compelling prostitution or trafficking of persons ineligible for release on parole until a specified time. HB 8 amends the Penal Code to increase the age and revise conditions under which a person being solicited in a prostitution offense results in a penalty enhancement and to specify that a prostitution conviction may be used as an enhancement for that offense or under provisions relating to exceptional sentences. The bill enhances, under certain conditions, the penalties for promotion of prostitution, aggravated promotion of prostitution, and certain obscenity offenses and expands the conduct constituting the offenses of possession or promotion of child pornography and engaging in organized criminal activity.

Codification- Tex. Crim. Proc. Ch. 7A & Ch. 56; Tex. Crim. Proc. Art. 12.01, 42.12, 48.6

Effective Date- September 1, 2013

2. **HB 432** (Riddle) *Relating to charitable contributions by state employees to assist domestic victims of human trafficking.*

Summary - House Bill 432 amends the Government Code to specify that the Health and Human Services Commission (HHSC) is considered an eligible charitable organization entitled to participate in the state employee charitable campaign for the sole purpose of administering the program that awards grants

to public and nonprofit organizations that provide assistance to domestic victims of human trafficking. The bill entitles a state employee to authorize a deduction for a charitable contribution to HHSC for this purpose.

Codification – Section 531.383, Government Code,

Effective Date – September 1, 2013

3. **HB 1120** (Riddle/Miller, Rick/Fletcher/Dutton/Thompson, Senfronia) - *Relating to the duties of the Texas Crime Stoppers Council to encourage individuals to report criminal activity related to trafficking of persons.*

Summary- H.B. 1120 requirements the Texas Crime Stoppers Council to create a program to encourage citizens to report criminal activity relating to trafficking of persons and for the council to provide financial rewards for tips leading or substantially contributing to arrests or apprehensions of traffickers.

Codification- Government Code Section 414.005

Effective Date- June 14, 2013

4. **HB 1272** (Thompson, Senfronia/Fletcher/McClendon/Harless/Riddle) - *Relating to the continuation and duties of the Human Trafficking Prevention Task Force.*

Summary - The 81st Legislature created the human trafficking prevention task force in an effort to foster a statewide partnership between law enforcement agencies, social service providers, nongovernmental organizations, legal representatives, and stage agencies that fight against human trafficking. H.B. 1272 seeks to allow the task force to further its efforts by continuing the task force for another two years and expanding the task force's duties to include working with the Texas Education Agency, the Department of Family and Protective Services, and the Health and Human Services Commission to develop a list of key indicators of human trafficking; to develop a standardized training curriculum; to train certain professionals and personnel in identifying and assisting human trafficking victims and in identifying foster care children who may be at risk of becoming victims; and to develop a process for referring identified victims and at-risk individuals to appropriate entities for services.

Codification- Government Code Section 402.035

Effective Date- June 14, 2013

5. **HB 2725** (Thompson, Senfronia/Frullo/Raymond/Davis, Sarah) - *Relating to the confidentiality of certain records maintained by a victims of trafficking shelter center and the creation of minimum standards for certain facilities that provide services to victims of trafficking.*

Summary - This bill exempts from state public information law information maintained by a victims of trafficking shelter center. It also amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission to adopt minimum standards that apply to general residential operations providing comprehensive residential and nonresidential services to persons who are victims of trafficking.

Codification- Government Code Section 552.138, Texas Human Resources Code § 42.042

Effective Date- June 14, 2013

6. **HB 3241** (Thompson) *Relating to the civil prosecution of racketeering related to trafficking of persons; providing penalties.*

Summary - House Bill 3241 amends the Civil Practice and Remedies Code to create a cause of action authorizing the state to bring suit against a person or enterprise for racketeering related to trafficking of persons. The bill establishes the damages, injunctive relief, and other remedies authorized in such a suit. Among other provisions, the bill sets out provisions regarding the evidentiary burdens, statute of limitations, special docketing procedures, and required notice to a local prosecutor in a civil racketeering suit. The bill also lays out procedures regarding the abatement of a civil racketeering suit under certain conditions.

Codification - Title 6, Civil Practice and Remedies Code,

Effective Date - June 14, 2013

7. **SB 92** (Van de Putte) - *Relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking.*

Summary - S.B. 92 gives juvenile probation departments the authority to create a diversion program with treatment and services for minors involved in prostitution instead of strictly punishing them. The majority of minors involved in prostitution are considered domestic minor sex trafficking victims. The bill provides a process by which a minor who is apprehended by law enforcement officers for prostitution would be eligible to participate in a court diversion program in which the minor receives treatment and other services. The bill provides a process for courts with juvenile justice jurisdiction and courts with family abuse cases to share jurisdiction in cases where those courts' jurisdictions overlap. S.B. 92 amends current law relating to the designation of a juvenile court and a program for certain juveniles who may be the victims of human trafficking.

Codification- Family Code Section 51.04

Effective Date- September 1, 2013

8. **SB 94** (Van de Putte) *Relating to civil liability for compelled prostitution and certain promotion of prostitution.*

Summary - Senate Bill 94 amends the Civil Practice and Remedies Code to make a defendant liable to a victim of compelled prostitution for damages arising from the compelled prostitution and certain promotion of prostitution that results in compelled prostitution with respect to the victim. The bill specifies circumstances that do not constitute a defense to such liability. The bill requires a claimant who prevails in a suit under the bill's provisions to be awarded actual damages, court costs, and reasonable attorney's fees and authorizes the recovery of exemplary damages. The bill also provides for a cumulative cause of action, joint and several liability, and liberal construction and application of its provisions.

Codification - Title 4, Civil Practice and Remedies Code

Effective Date - September 1, 2013

9. **SB 357** (Hinojosa) *Relating to the issuance of protective orders for certain sexual, stalking, and trafficking offenses.*

Summary - Senate Bill 357 amends the Code of Criminal Procedure to expand the applicability of state law regarding protective orders for victims of sexual assault or stalking to include victims of sexual abuse or trafficking and to expand the venues in which an application for such a protective order may be filed to include any court with jurisdiction over a family violence-related protective order involving the same parties named in the application and a district court, juvenile court having the jurisdiction of a district court, statutory county court, or constitutional county court in any county in which an element of the alleged offense occurred. The bill authorizes such a protective order to prohibit the alleged offender from communicating in any manner with the applicant or any member of the applicant's family or household except through the applicant's attorney or a person appointed by the court, if the court finds good cause for the prohibition.

Codification - Subsection (b), Article 7A.01, Code of Criminal Procedure; Article 7A.03, Code of Criminal Procedure; Subsection (a), Article 7A.05, Code of Criminal Procedure

Effective Date - September 1, 2013

10. **SB 484** (Whitmire) *Relating to the creation of a prostitution prevention program; authorizing a fee.*

Summary - Senate Bill 484 amends the Health and Safety Code to require a court to enter an order of nondisclosure for a defendant who successfully completes a

prostitution prevention program with respect to all records and files related to the arrest for the offense for which the defendant entered the program. The bill establishes the essential characteristics and powers and duties of such a program, authorizes a county commissioners court or the governing body of a municipality to establish such a program for defendants charged with certain prostitution conduct, requires the consent of the attorney representing the state for a defendant's participation in a program, and provides that an eligible defendant may choose whether to participate in a program or otherwise proceed through the criminal justice system. The bill provides for the establishment of regional prostitution prevention programs for participating counties or municipalities, establishes provisions regarding program oversight by appropriate legislative committees and program audits performed by the state auditor, and authorizes a legislative committee to compel documentation from a county that does not establish a prostitution prevention program due to insufficient federal or state funding. The bill establishes a nonrefundable fee capped at \$1,000 to be paid by a program participant on a periodic basis or on a deferred payment schedule and provides a breakdown of the fee into payments for specific program services. The bill provides for the mandatory establishment of a prostitution prevention program in certain counties and sets out provisions relating to such a county's application for and receipt of federal and state funds to pay program costs. The bill authorizes a judge or magistrate administering a prostitution prevention program to suspend a program participant's community supervision requirement to work at a community service project and to excuse the participant from any such requirement previously suspended in that manner on the participant's successful completion of the program.

Senate Bill 484 amends the Government Code to add a prostitution prevention program to the list of specialty courts eligible to receive grant funding.

Codification - Subtitle H, Title 2, Health and Safety Code; Subchapter B, Chapter 103, Government Code; Subdivision (2), Subsection (a), Section 772.0061, Government Code

Effective Date - September 1, 2013

10. **SB 742** (*Carona*) *Relating to reports of missing children, missing persons, or attempted child abductions and to education and training for peace officers regarding missing or exploited children.*

Summary - Senate Bill 742 amends the Code of Criminal Procedure to require the missing children and missing persons information clearinghouse established within the Department of Public Safety (DPS) to receive and maintain information on attempted child abductions in Texas, excluding attempted abductions by a relative of the child intended to be abducted. The bill establishes

procedures for a law enforcement officer or local law enforcement agency to report an attempted child abduction to the clearinghouse, requires the public safety director of DPS to adopt rules regarding the procedures for a local law enforcement agency on receiving a report of a certain missing child who has been reported missing on several occasions in the 24-month period preceding the date of the current report, and provides for the agency's duty to enter certain information regarding the report into the national crime information center missing person file. The bill requires each law enforcement agency to provide to the clearinghouse any information regarding an attempted child abduction that has been reported to the agency or that the agency has received from any person or another agency.

Senate Bill 742 amends the Government Code to authorize DPS to award a grant to certain nonprofit organizations operating in Texas to provide programs and information on child and Internet safety and the prevention of child abductions and child sexual exploitation to assist DPS in performing its duties related to missing or exploited children and authorizes DPS to adopt rules to implement this provision. The bill amends the Occupations Code to require a peace officer or reserve law enforcement officer to complete an education and training program on missing and exploited children as a requirement for an intermediate or advanced proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE), to require TCLEOSE by rule to establish the program, and to establish the program's required contents.

Codification - Article 63.001, Code of Criminal Procedure; Subchapter A, Chapter 63, Code of Criminal Procedure; Article 63.003, Code of Criminal Procedure; Subchapter A, Chapter 63, Code of Criminal Procedure; Article 63.009, Code of Criminal Procedure; Subchapter A, Chapter 63, Code of Criminal Procedure; Article 63.013, Code of Criminal Procedure; Subchapter A, Chapter 411, Government Code; Section 1701.402, Occupations Code

Effective Date - September 1, 2013

12. **SB 893** (Carona) *Relating to certain conditions of, penalties for violating, and collection of information about protective orders issued in certain family violence, sexual assault or abuse, stalking, or trafficking cases.*

Summary - Although Texas law has created protections for victims of sexual assault, certain statutes require strengthening in order to provide these victims with the same level of protections afforded to victims of family violence. While courts have the explicit authority to prevent communication of any kind between victims of family violence and an assailant, current law regarding sexual assault protective orders (Chapter 38, Penal Code) only prohibits communications of a

"threatening or harassing" nature for sexual assault cases, which is considered a Class A misdemeanor. In addition, current law considers a violation of bond conditions in family violence cases at least a Class A misdemeanor (Chapter 25, Penal Code); however, there is no offense for violating bond conditions in sexual assault cases. Furthermore, current law requires information relating to protective orders to be entered into the Texas Crime Information Center (TCIC) while information relating to bond conditions is not required.

S.B. 893 allows the court to prohibit a perpetrator from communication of any kind with a sexual assault or abuse, or stalking victim, making the offense a Class A misdemeanor. In addition, S.B. 893 extends the protections afforded to victims of family violence to victims of sexual assault or abuse and stalking, so that a violation of bond conditions is also considered a Class A misdemeanor. Lastly, in addition to the current entry requirement for protective orders, S.B. 893 requires the entry of bond conditions into TCIC for sexual assault or abuse, stalking, and family violence cases.

S.B. 893 amends current law relating to certain conditions of, penalties for violating, and collection of information about protective orders issued in certain family violence, sexual assault or abuse, stalking, or trafficking cases.

Codification - Subsection (a), Article 7A.05, Code of Criminal Procedure; Subsections (b) and (g), Section 411.042, Government Code; Subsection (b), Section 25.07, Penal Code; Subsection (a), Section 38.112, Penal Code

Effective Date - September 1, 2013

13. **SB 1356** (Van de Putte) *Relating to human trafficking and its victims and the care of juveniles who have experienced traumatic events.*

Summary - Senate Bill 1356 amends the Human Resources Code to require the Texas Juvenile Justice Board, in adopting rules regarding personnel standards, to require probation officers, juvenile supervision officers, and court-supervised community-based program personnel to receive trauma-informed care training that provides knowledge, in line with best practices, of how to interact with juveniles who have experienced traumatic events. The bill requires the Texas Juvenile Justice Department (TJJD) to provide that trauma-informed care training during the preservice training for juvenile probation officers, juvenile supervision officers, juvenile correctional officers, and juvenile parole officers and additionally requires the training provided to juvenile correctional officers to include information and instruction concerning signs and symptoms of the human trafficking of a child. The bill requires TJJD to evaluate the practices and screening procedures used by juvenile probation departments for the early identification of juveniles who are victims of sex trafficking for the purpose of developing a recommended set of best practices that may be used by a juvenile

probation department to improve the department's ability to make that identification.

Senate Bill 1356 amends the Government Code to require the Texas Crime Stoppers Council to create at least one specialized program that encourages individuals to report criminal activity relating to the trafficking of persons and that financially rewards each individual who makes a report that leads or substantially contributes to the arrest or apprehension of a person suspected of engaging in conduct that constitutes a trafficking of persons offense.

Codification - Section 221.002, Human Resources Code; Subchapter A, Chapter 221, Human Resources Code; Subchapter A, Chapter 221, Human Resources Code; Subsection (b), Section 242.009, Human Resources Code; Section 414.005, Government Code

Effective Date - September 1, 2013

III. WRONGFUL CONVICTIONS

1. **HB 1847** (Carter) - *Relating to continuing legal education in ethics or professional responsibility for prosecutors.*

Summary - requires every attorney representing the state in the prosecution of felony and misdemeanor criminal offenses, other than Class C misdemeanors, to complete a course of study relating to the duty of a prosecuting attorney to disclose exculpatory and mitigating evidence in a criminal case. The bill requires the court of criminal appeals, in consultation with a statewide association of prosecutors, to adopt rules relating to the required training.

Codification- Government Code Section 41.111

Effective Date- January 1, 2014

2. **SB 344** (Whitmire) - *Relating to the procedure for an application for a writ of habeas corpus based on relevant scientific evidence.*

Summary - S.B. 344 amends the Code of Criminal Procedure relating to authorize a court to grant a convicted person relief on an application for a writ of habeas corpus if the person files an application containing specific facts indicating that relevant scientific evidence is currently available and was not available at the time of the person's trial because the evidence was not ascertainable through the exercise of reasonable diligence by the person before or during the person's trial and would be admissible under the Texas Rules of Evidence at a trial held on the application date and if the court makes those findings and also finds that, had the scientific evidence been presented at trial, on the preponderance of the evidence, the person would not have been convicted. The bill specifies that a claim or issue, for purposes of a subsequent application

for a writ of habeas corpus, could not have been presented previously in an original or previously considered application if the claim or issue is based on relevant scientific evidence that was not ascertainable through the exercise of reasonable diligence by the convicted person on or before the date the respective application was filed. The bill establishes requirements for a court in making a finding as to whether relevant scientific evidence was not ascertainable through the exercise of reasonable diligence on or before a specific date. S.B. 344 specifically amends the Code of Criminal Procedure relating to procedures for applications for writs of habeas corpus based on relevant scientific evidence of false and discredited forensic testimony utilized in trial to convict an individual. The bill specifies that evidence to contradict scientific evidence presented at trial is among the types of claims or issues that can affect court consideration of an application for a writ of habeas corpus.

Codification- Code of Criminal Procedure Section 11.073

Effective Date- September 1, 2013

3. **SB 825** (Whitmire) - *Relating to disciplinary standards and procedures applicable to grievances alleging certain prosecutorial misconduct.*

Summary - S.B. 825 seeks to provide an opportunity for a wrongfully convicted person to pursue a grievance against a prosecutor, who violated the disclosure rules in their case, after being released from prison by tolling the statute of limitations until the date on which the person is released. S.B. 825 also prohibits the use of a private reprimand as a means of discipline for such a violation.

Codification- Government Code Section 81.072

Effective Date- September 1, 2013

4. **SB 1185** (Huffman) - *Relating to the creation of a mental health jail diversion pilot program.*

Summary - S.B. 1185 creates a four-year jail diversion pilot program for the mentally ill in Harris County to develop effective methods to substantially reduce recidivism among this population of offenders with the hope that the model developed will be replicable in all Texas metropolitan and urban areas.

Codification- Health and Safety Code Chapter 579

Effective Date- June 14, 2013

5. **SB 1292** (Ellis) - *Relating to DNA testing of biological evidence in certain capital cases.*

Summary- S.B. 1292 requires the state to perform DNA testing of all biological evidence that was collected as part of an investigation of an offense prior to trial in any capital offense where the state is seeking the death penalty. It requires the

Department of Public Safety of the State of Texas to pay for all the DNA testing performed in accordance with this law.

Codification- Code of Criminal Procedure Article 38.43

Effective Date- September 1, 2013

IV. DOMESTIC VIOLENCE

1. **SB 130** (Nelson) *Relating to representation by prosecuting attorneys in proceedings for protective orders against family violence and in certain other actions.*

Summary - Under previous law, a prosecuting attorney representing a party in a family violence protective order proceeding was not precluded from representing the Department of Family and Protective Services (DFPS) in a subsequent action involving the party. Senate Bill 130 amends the Family Code to clarify that a prosecuting attorney, subject to the Texas Disciplinary Rules of Professional Conduct, is not precluded from representing a party in a family violence protective order proceeding and DFPS in any other action involving the party, regardless of whether the proceeding occurs before, concurrently with, or after the other action involving the party.

Codification - AASection 81.0075, Family Code

Effective Date - June 14, 2013

2. **SB 245** (West) *Relating to eligibility of children's advocacy centers for contracts to provide services for children and family members in child abuse and neglect cases.*

Summary - Previous law established eligibility requirements for a public entity that operated as a children's advocacy center before November 1, 1995, or a nonprofit entity to enter into a contract with the statewide organization with which the Department of Family and Protective Services or the office of the attorney general contracts to provide training, technical assistance, and evaluation services for local children's advocacy center programs. Senate Bill 245 amends the Family Code to include among those eligibility requirements that an entity implement certain specified program components relating to a case tracking system, a child-focused setting, forensic interviews, certain support, specialized medical evaluation and treatment, mental health services, and the cultural competence and diversity of services available to center clients. The bill removes the requirement that a waiver of any eligibility requirement for a children's advocacy center granted by the statewide organization be identified in the written contract with the center.

Codification - Section 264.411, Family Code

Effective Date – September 1, 2013

3. **SB 743** (Nelson) - *Relating to the penalties prescribed for repeated violations of certain court orders or conditions of bond in a family violence case.*

Summary- S.B. 743 creates Section 25.072, Penal Code, to create a new criminal offense for a continuous violation of a protective order. Senate Bill 743 amends the Penal Code to create the third degree felony offense of repeated violation of certain court orders or bond conditions in a family violence case for a person who, during a period that is 12 months or less in duration, two or more times engages in conduct that constitutes such a violation. The bill requires a jury to agree unanimously that the defendant engaged in that conduct during that period and sets out the circumstances under which a defendant may be convicted in the same criminal action of another related offense and under which a defendant may not be charged with more than one count of the repeated violation offense. The bill establishes penalty enhancements for the offense of violating a court order or bond condition in a family violence case for a defendant who has previously been convicted two or more times of the repeated violation offense or one time of each of those offenses. Senate Bill 743 amends the Code of Criminal Procedure and Government Code to establish venue for the repeated violation offense, to include cases prosecuted under that offense among the cases to which certain courts must give preference, and to make a defendant ineligible to petition a court for an order of nondisclosure if the defendant has been previously convicted of or placed on deferred adjudication for that offense. The bill excludes a deferred adjudication for that offense from the deferred adjudication orders that are exempt from being considered a conviction for purposes of state law regarding concealed handgun licensing. The bill also amends the Occupations Code to require the Texas Board of Nursing to suspend a nurse's license or refuse to issue a license to an applicant who has been convicted of that offense.

Codification- Texas Penal Code §§ 25.07, 25.072; Texas Code of Criminal Procedure Art. 5.07; Texas Government Code §§ 25.223, 25.0172, 411.081, 411.1711; Texas Occupations Code § 301.4535

Effective Date- September 1, 2013

V. PRISONER EDUCATION

1. **HB 797** (Thompson, Senfronia/Miles) - *Relating to certain written information the Windham School District must provide to a person before the person enrolls in a district vocational training program.*

Summary - H.B. 797 requires the Windham School District, before a person confined or imprisoned in the Texas Department of Criminal Justice who is not a high school graduate enrolls in a district vocational training program, to inform the person in writing of the following information: any rule or policy of a state agency that would impose a restriction or prohibition on the person in obtaining a certificate or license in connection with the vocational training program; the total number of district students released during the preceding 10 years who have completed a district vocational training program that allows for an opportunity to apply for a certificate or license from a state agency, the number of those students who have applied for a certificate or license from a state agency, the number of those students who have been issued a certificate or license by a state agency, and the number of those students who have been denied a certificate or license by a state agency; and the procedures for requesting a criminal history evaluation letter as a preliminary evaluation of license eligibility, the procedures for providing evidence of fitness to perform the duties and discharge the responsibilities of a licensed occupation, and the procedures for appealing a state agency's denial of a certificate or license.

Codification- Texas Education Code § 19.0042

Effective Date- June 14, 2013

2. **HB 799** (Thompson, Senfronia/Miles) - *Relating to vocational training programs provided by the Windham School District.*

Summary- HB 799 amends the Education Code to require the Windham School District to continually assess job markets in Texas and update, augment, and expand the vocational training programs developed by the district as necessary to provide relevant and marketable skills to students.

Codification- Education Code § 19.004(c)

Effective Date- September 1, 2013

3. **SB 1475** (Duncan) *Relating to a jail-based restoration of competency pilot program.*

Summary - Senate Bill 1475 amends the Code of Criminal Procedure to add temporary provisions requiring the Department of State Health Services (DSHS), if the legislature appropriates necessary funding, to develop and implement a jail-based restoration of competency pilot program in one or two counties in Texas that choose to participate in the pilot program. The bill sets out requirements for DSHS in developing the pilot program, including the establishment of a stakeholder work group composed of members who meet certain criteria, sets out the qualifications that a provider of jail-based competency restoration services must demonstrate in order to contract with DSHS to provide services under the pilot program, and sets out requirements for a contract entered into by a service provider and DSHS. The bill establishes the

minimum number of psychiatric evaluations of a participating defendant that must be conducted by the provider's psychiatrist and sets out the types of competency determinations regarding a participating defendant that must be made by the psychiatrist and the actions that a court must take on the psychiatrist's report of a determination. The bill establishes reporting and evaluation requirements for the commissioner of DSHS if the pilot program is implemented. In a county in which DSHS operates a pilot program, the bill requires a defendant committed under court order to a mental health facility or residential care facility for competency restoration to either be provided competency restoration services at the jail under the pilot program or be transferred to the appropriate facility as provided by the order, depending on whether the service provider at the jail determines the defendant will immediately begin to receive the services.

Codification - Article 46B.073, Code of Criminal Procedure, Subchapter D, Chapter 46B, Code of Criminal Procedure

Effective Date - September 1, 2013

EDUCATION

I. SECONDARY EDUCATION

1. **HB 5** (Aycock/Deshotel/Davis, John/Villarreal/Callegari) - *Relating to public school accountability, including assessment, and curriculum requirements; providing a criminal penalty.*

Summary- H.B. 5 is a comprehensive reform that changes high school testing requirements and gives more flexibility in graduation plans for public high schools. H.B. 5 impacts high school graduation programs, student assessment, and public school accountability. H.B. 5 institutes a new standard course of study for high school students and reduces the number of end of course exams public high school students are required to pass in order to graduate. This bill establishes new accountability ratings systems to evaluate schools on academic performance, financial performance, and community and student engagement.

In part, HB 5:

- Reduces end-of-course exams from 15 to 5: Algebra I, U.S. history, biology, English I and English II (reading and writing would be combined into one exam for both English I and II).
- Provides that a student's ARD committee can decide if a student must pass an EOC to graduate.

- Requires TEA to re-develop the STAAR-ALT test to not require teachers to prepare tasks.
- Replaces the current minimum, recommended and distinguished graduation plans with a foundation graduation plan consisting of four English credits; three science, social studies and math credits; two foreign language/computer programming credits; one fine arts credit; one physical education credit; and five elective credits (22 credits).
- Eliminates the requirement that end-of-course exams must count toward 15 percent of a student's final course grade.
- Creates a distinguished achievement and endorsement graduation plans, including endorsements in STEM, business & industry, public services, multi-disciplinary studies, and arts & humanities.
- Requires four science credits and algebra II for automatic state college admissions under the top 10 percent rule and state financial aid, and allow all students to be eligible to apply for Texas colleges.
- Eliminates cumulative score requirements for end-of-course exams.
- Allows districts to administer state-developed Algebra II and English III exams for diagnostic purposes.
- Establishes an A through F accountability rating system for school districts beginning with the 2016-17 school year, while campuses will remain under the existing exemplary, recognized, acceptable and unacceptable system. (HB 5 makes no provision for the delay of accountability ratings for upcoming school years.)
- Prohibits schools from pulling students out of class for more than 10 percent of class time for test preparation or remediation without parental consent.
- Prohibits a school from giving any student credit or a final grade for a course if the student was not in attendance for 90 percent of the days a class was offered.
- Requires all districts to offer Algebra II.
- Requires the SBOE to adopt at least six advanced CTE courses, including courses in personal financial literacy and statistics that satisfy the fourth credit in math.
- Allows a student to satisfy a fine arts credit by participating in a community-based program not provided by the school.
- Allows students with disabilities to substitute a course for foreign language requirement.
- Prohibits schools from administering more than two benchmark tests per student per subject, not to include college readiness exams such as the SAT or ACT.

Codification- Education Code §§ 25.083, 25.092, 29.081 and Ch. 28

Effective Date- This Act took effect on June 14, 2013, except Section 29 takes which effect beginning with the 2014-2015 school year, Section 78(a) takes effect September 1, 2013, and Sections 36(a) and 78(b) take effect September 1, 2014.

2. **HB 455** (Dukes/ Collier) - *Relating to excused absences from public school for certain students.*

Summary- H.B. 455 amends the Education Code to expand the requirement for a school district to excuse a student for a temporary absence from school resulting from a health care-related appointment to provide a student an excused absence for an appointment with health care professionals for either the student or the student's child. Requiring that the student comes to school the day of the appointment in order to receive the excused absence is a measure that will help ensure that the student is missing as little class time as possible.

Codification- Education Code Section 25.087(b).

Effective Date- June 14, 2013

3. **HB462** (Hubberty) *Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.*

Summary - House Bill 462 amends the Education Code to prohibit the State Board of Education from adopting national curriculum standards developed by the Common Core State Standards Initiative to comply with a duty imposed under statutory provisions relating to courses of study in the public school curriculum and student advancement; to prohibit a school district from using common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels; to prohibit a school district or open-enrollment charter school from being required to offer any aspect of a common core state standards curriculum; and to prohibit the Texas Education Agency from adopting or developing a statewide standardized test based on common core state standards.

Codification – Section 28.002, Education Code; Section 39.023, Education Code

Effective Date – June 14, 2013

4. **HB 742** (Strama) *Relating to a grant program for certain school districts to provide summer instruction primarily for students who are educationally disadvantaged and summer teaching opportunities for high-performing, new, and student teachers.*

Summary - House Bill 742 amends the Education Code to require the commissioner of education to establish and administer a competitive grant program for up to 10 school districts with majorities of their enrollments consisting of educationally disadvantaged students to provide both summer instruction primarily for such students in prekindergarten through eighth grade and summer teaching opportunities for high-performing, new, and student teachers. The bill sets out specific goals for the program's design, conditions of eligibility for district participation in the program, and program funding provisions and requires the commissioner, in accordance with commissioner rule and based on the amount available for the program, to determine the amount of each grant awarded. The bill also requires each district participating in the program to submit an annual report to the Texas Education Agency (TEA) on local program participation data, requires TEA to contract with a third-party program evaluator to prepare a report on the program's effectiveness, and requires TEA to submit a biennial report to each member of the legislature describing program results.

Codification – Subchapter C, Chapter 29, Education Code

Effective Date – September 1, 2013

5. **HB 842** (Bell) *Relating to the provision of certain opportunities to career and technical students by public school districts under the college credit program.*

Summary - House Bill 842 amends the Education Code to establish that a college credit program implemented by a school district may provide a student the opportunity to earn credit for a course or activity for which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements and that satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree.

Codification - Section 28.009, Education Code

Effective Date – June 10, 2013

6. **HB 866** (Huberty/Turner, Sylvester/Cook/Miles) *Relating to the administration to public school students in certain grades of state-administered assessment instruments.*

Summary- According to proponents, H.B. 866 was designed to remedy the perceived excessive testing and related costs for students, teachers, parents, and schools by reducing the amount of mandatory testing for students who are high

performing. HB 866 allows for the number of state administered accountability tests in grades 3-8 to be reduced for certain students. Students' whose scores on a third-grade reading or math test meet a minimum threshold determined by TEA, will be exempt from the fourth-grade exam. Likewise, a student whose fifth-grade results meet the threshold will be exempt from the sixth- and seventh-grade exams. Students who do not meet the TEA benchmark in grades 3 and 5 will take the required tests in grades 4 and 6. Also, a student who takes a sixth-grade exam and does not meet the minimum score must take the exam in seventh grade. Districts are allowed to administer the grade 4, 6 and 7 assessments for their own purposes, but the results will not be used for accountability purposes. The current exams in writing, social studies and science remain in place.

Codification- Texas Education Code § 39.023

Effective Date- September 1, 2013

7. **HB 1009** (Villaba/Bonnen, Greg/Fletcher/Menéndez/Keffer) *Relating to the creation of a new category of law enforcement officer who shall be designated a school marshal, the training and appointment of certain employees of a school district or open-enrollment charter school as school marshals, and the rights, restrictions, limitations, and responsibilities of school marshals; authorizing the imposition of a fee.*

Summary - This bill would establish a new category of law enforcement officer designated as a school marshal. The bill would allow school districts and open-enrollment charter schools to designate employees as school marshals (a maximum of one school marshal per 400 students in average daily attendance per campus) and would set training standards and establish the rights, restrictions, limitations, and responsibilities of those marshals.

Codification- Texas Code of Criminal Procedure Art. 2.127; Texas Education Code § 37.0811; Texas Government Code §411.1871; Texas Occupations Code § 1701.001, 1701.260, 1701.301

Effective Date- June 14, 2013

8. **HB 1016** (Davis) *Relating to legal representation for civil suits against peace officers employed by a school district.*

Summary - Current law requires municipalities and special purpose districts, under certain conditions, to provide legal counsel without cost to peace officers, firefighters, or emergency medical services personnel employed by the entity to defend the employee against civil suits. House Bill 1016 amends the Local Government Code to add school districts to the entities required to provide such legal counsel.

Codification – Sections 180.002(b), (c), and (d), Local Government Code
Effective Date – May 18, 2013

9. **HB 1122** (Johnson) *Relating to a pilot program for a three-year high school diploma plan and cost-neutral expansion of full-day prekindergarten programs.*

Summary - House Bill 1122 amends the Education Code to authorize a school district with an enrollment of more than 150,000 students that is located primarily in a county with a population of 2.2 million or more and that is adjacent to a county with a population of more than 600,000 to develop and implement a pilot program for students who wish to obtain a high school diploma after completing three years of high school rather than the traditional four years. The bill requires the program to include partnerships with public postsecondary institutions in Texas that offer academic or technical education or vocational training under a certificate program or an associate's degree program to facilitate a student's prompt enrollment in those institutions after graduating from high school under the program.

House Bill 1122 requires the school district to specify the program curriculum requirements, which must ensure that a graduate is capable of performing successfully in public junior college courses; to submit the district's proposal regarding the program's scope and curriculum requirements to the commissioner of education for approval; and to submit the proposed curriculum requirements to the State Board of Education for comment. The bill prohibits the district from implementing the program without the commissioner's approval.

House Bill 1122 entitles a student to a high school diploma if the student successfully complies with the program's curriculum requirements and performs satisfactorily on any end-of-course tests required for courses in which the student was enrolled. The bill requires the commissioner to determine that level of satisfactory performance, requires the school district to report a program graduate's academic achievement record on a transcript that clearly identifies and distinguishes the program from traditional four-year high school programs, and exempts a student receiving a diploma under the program from compulsory school attendance requirements.

House Bill 1122 requires the commissioner, beginning with the first school year that follows the first school year in which students receive high school diplomas under the pilot program and continuing for every subsequent school year that

the district operates the program, to provide funding for the district's free prekindergarten program on a full-day basis for a number of prekindergarten students equal to twice the number of students who received a high school diploma under the program during the preceding school year. The bill's provisions expire September 1, 2023.

Codification – Subchapter B, Chapter 28, Education Code; Subchapter E, Chapter 42, Education Code

Effective Date – September 1, 2013

10. **HB 1751** (Patrick, Diane/Pitts/Allen/Branch/Aycock) - *Relating to the public school educator excellence innovation program.*

Summary- HB 1751 amends the Education Code to replace the educator excellence awards program with the educator excellence innovation program and to set out the new program's purposes. The bill also replaces the previous program's fund with a new fund from which the Texas Education Agency (TEA) is to award grants to school districts on a competitive basis and in an amount determined by TEA in accordance with commissioner of education rule, rather than as a per capita distribution among qualifying districts as provided under the previous program. The bill requires TEA, depending on the amount of money available for distribution from the fund, to approve plans that most comprehensively and innovatively address the program's purposes so that the various plans' effectiveness can be compared and evaluated. HB 1751 also repeals statutory provisions relating to the authorized uses of payments awarded under the previous program and instead authorizes a school district to use grant funds only to carry out the program's purposes in accordance with the district's local educator excellence innovation plan. The bill authorizes a district to apply to the commissioner for a waiver to exempt the district or district campuses from certain statutory provisions relating to educator appraisals and incentives and staff development and requires the waiver application to demonstrate that the waiver is necessary to carry out the program's purposes in accordance with the district's plan.

Codification- Education Code Chapter 21

Effective Date- June 14, 2013

11. **HB 1781** (King, Ken/Otto/Thompson, Senfronia) *Relating to a limitation on sanctions imposed on school districts for the sale of foods of minimal nutritional value.*

Summary - HB 1781 limits sanctions imposed on a school district for the sale of foods of minimal nutritional value if the sale is approved in advance by the school and is made outside of a school area designated for food service or food consumption or during a period other than a school meal service period; and for

the purpose of raising money for a student organization or activity sponsored or sanctioned by the school or the school district in which the school is located.

Codification- Agriculture Code Section 12.0028

Effective Date- June 14, 2013

12. **HB 1952** (Thompson, Senfronia) *Relating to professional development training for certain public school personnel regarding student disciplinary procedures.*

Summary- H.B. 1952 amends the Education Code to require each principal or other appropriate administrator who oversees student discipline, at least once every three school years, to attend professional development training regarding the removal of students and their placement in alternative settings for behavior management and to authorize the provision of such training in coordination with regional education service centers through the use of distance learning methods and available Texas Education Agency resources.

Codification- Education Code § 37.081

Effective Date- June 14, 2013

13. **HB 2137** (Fletcher) *Relating to eligibility of certain persons for enrollment in school district summer school courses.*

Summary - House Bill 2137 amends the Education Code to require a school district to permit a person who is eligible to attend school in the district but does not attend a district school to enroll in a district summer school course on the same basis as a district student, including satisfaction of any course eligibility requirement and payment of any fee that an independent school district's board of trustees is authorized to charge in connection with the course. The requirement to permit a non-district student to enroll in a district summer course does not apply to such a student's enrollment in an intensive mathematics or science instruction program, an intensive program for students identified as being at risk of dropping out of school, or a similar intensive summer program.

Codification - Subchapter A, Chapter 25, Education Code,

Effective Date - June 13, 2014

14. **HB 2549** (Patrick, Diane) *Relating to the periodic review and revision of college and career readiness standards in public education.*

Summary - HB 2549 amends the Education Code to expand the duties of the vertical team of public school educators and college and university faculty

members established by the commissioners of education and higher education with regard to advancing the college readiness of public school students to include periodically reviewing and revising the college readiness standards and expectations developed by the team and recommending revised standards for approval by the commissioner of education and the Texas Higher Education Coordinating Board. The bill requires the commissioner of education and the coordinating board by rule to establish a schedule for the periodic review, giving consideration to the cycle of review and identification of the essential knowledge and skills of subjects of the required curriculum.

Codification- Texas Education Code §§ 28.008(b) and (c)

Effective Date- June 14, 2013

15. **HB 2619** (Naishtat) *Relating to the educational needs of children in the conservatorship of the Department of Family and Protective Services.*

Summary – Currently, court orders do not necessarily identify the child's education decision-maker or delineate which person holds specific education decision-making rights, such as school placement, or who may attend school activities. The absence of this specific designation can create confusion for caseworkers, foster parents, and educators. Naming who has specific education rights and duties, including the authority to make specific education decisions, will clarify roles and responsibilities. H.B. 2619 outlines the appointment of a surrogate parent for children in special education programs and the identification of the education decision-maker in permanency hearing procedures. Additionally, H.B. 2619 outlines what notices schools should send to educational decision-makers.

It is important for attorneys and guardians ad litem to be knowledgeable about the child's educational needs and goals, including special education, whether the child is at grade level, and school behavioral interventions. H.B. 2619 makes these part of the attorney ad litem and guardian ad litem duties.

When children in foster care miss school for court-ordered family visits and other appointments, the students are given unexcused absences. H.B. 2619 adds mental health appointments, family visitations, and appointments with health care professionals to the list of excused absences.

H.B. 2619 requires the Department of Family and Protective Services to develop an educational stability plan. H.B. 2619 requires schools to transfer the records of students in substitute care who switch schools no later than the tenth working day after the date the student begins enrollment.

H.B. 2619 amends current law relating to the educational needs of children in the conservatorship of the Department of Family and Protective Services.

Codification – Section 107.002, Family Code; Section 107.004, Family Code; Subchapter A, Chapter 263, Family Code; Subchapter A, Chapter 263, Family Code; Section 263.306, Family Code; Section 263.503(a), Family Code; Subchapter B, Chapter 264, Family Code; Section 266.008(c), Family Code; Section 25.001(g), Education Code; Section 25.007(b), Education Code; Section 25.087(b), Education Code

Effective Date – June 14, 2013

16. **HB 2662** (Farney) *Relating to a personal financial literacy credit for high school programs.*

Summary - House Bill 2662 amends the Education Code to add personal financial literacy to the required enrichment curriculum of each school district that offers kindergarten through grade 12 and to require each school district and open-enrollment charter school that offers a high school program to provide an elective course in personal financial literacy that meets the high school curriculum requirements for a one-half elective credit, rather than requiring such a district or charter school to provide instruction in personal financial literacy in any course meeting the curriculum requirements for an economics credit. The bill also removes a requirement for a district or open-enrollment charter school to ensure that a dual high school and college credit course satisfying the requirements for a high school economics credit include instruction in financial literacy. The bill requires the Texas essential knowledge and skills and, as applicable, high school curriculum requirements to include, rather than require, instruction in personal financial literacy.

Codification – Section 28.002(a), Education Code; Section 28.0021(a), Education Code; Sections 28.0021(b) and (c), Education Code

Effective Date – June 14, 2013

17. **HB 3028** - *Relating to the use of the skills development fund and other funds available to the Texas Workforce Commission to support certain joint credit courses offered by school districts under agreements with lower-division institutions of higher education.*

Summary - House Bill 3028 amends the Labor Code to expand the authorized uses of money from the skills development fund to include awarding funds to a lower-division institution of higher education to be used under an agreement with a school district to support courses offered for joint high school and college-level credit or offered under a college credit career or technical education program that leads to an industry-recognized license, credential, or certificate. The bill provides that in each state fiscal biennium, an amount of money from the fund not to exceed five percent of the amount of general revenue appropriated to that fund for that biennium may be awarded for such use. The bill authorizes funds available to the Texas Workforce Commission from other sources to also be used for that purpose. The bill specifies that appropriate uses of funds so awarded include purchasing or repairing necessary equipment for a course and developing a course curriculum. The bill sets out requirements for such a course or program supported by such an award.

Codification – Section 303.003, Labor Code

Effective Date – June 14, 2013

18. **SB 2** (Patrick) - *Relating to certain charter schools.*

Summary- C.S.S.B. 2 is a comprehensive bill to overhaul the laws relating to authorizing, governing, and establishing charter schools in Texas. It lifts the cap on charter schools (current law caps the number of open-enrollment charter schools at 215), establishes a separate trained board to authorize all charter schools, provides the commissioner of education with specific direction on closing poor performing charter schools, restructures the renewal terms of charters, and provides for limited facility funding. In addition, C.S.S.B. 2 provides for a local school district to convert to a home-rule charter school upon the majority vote of the local school board. Other provisions include:

- Transferring the authority/responsibilities for granting charters from the SBOE to the commissioner of education, in “coordination” with a designated member of the SBOE.
- Allowing the number of charters for open-enrollment charter schools to incrementally increase to 305 by September 1, 2019.

- Requiring the board of trustees of a school district that intends to sell, lease, or allow use of an unused or underused district facility to give an open-enrollment charter school the opportunity to make an offer first before offering it to any other entity. A board of trustees does not have to accept an offer made by an open-enrollment charter school.
- Strengthening the authority of the commissioner of education to revoke a charter for failing to meet academic and financial standards.
- Allowing a board of trustees of a school district or the governing body of a home-rule district to grant a district charter to a campus that has received the lowest performance rating.
- Authorizing the granting of a charter for schools primarily serving students with disabilities.
- Providing that a charter can be renewed for a 10-year period.
- Requiring that a majority of the members of the governing body of an open-enrollment charter school be qualified voters.
- Requiring the principal and teachers of an open-enrollment charter school to hold a baccalaureate degree.
- Requiring the salary of the superintendent, educational leader, or chief executive officer to be posted on the school's Internet website.
- Requiring students on each campus to recite the pledge of allegiance to the United States and Texas flags.

Codification- Texas Education Chapters 11 & 12

Effective Date- September 1, 2013

19. **SB 119** (Rodriguez) *Relating to the operation of special student recovery programs by certain school districts.*

Summary – Senate Bill 119 amends the Education Code to authorize the commissioner of education to require a school district with a student enrollment of at least 60,000 located in a county on the international border with a population of 800,000 or more to operate a special student recovery program if the commissioner has imposed a sanction based on a determination that the district, for the purpose of affecting an applicable performance rating or distinction designation, has: assigned a student to a grade level to which the student would not otherwise be assigned or retained a student at a grade level at which the student would not otherwise be retained, in violation of local policy; declined to admit a student with limited English proficiency who was eligible for admission; or encouraged a student who was eligible for admission to enroll in another district or to drop out of school. The bill makes the program's operation in such a district mandatory if the district superintendent or assistant superintendent or a principal or an assistant principal of a district campus is

convicted of or receives a grant of deferred adjudication or community supervision for an offense associated with conduct precipitating such a sanction. Senate Bill 119 sets out certain program requirements, authorizes a school district to use compensatory education allotment funding to pay the program's costs, and authorizes the provision of instructional services to students identified as having been affected by the district's misconduct using either compensatory education allotment funds or other Foundation School Program funds. The bill requires the commissioner to determine the program's duration, with a required minimum duration of two years, and requires the district, before a program may be concluded, to conduct a public hearing to solicit comments regarding whether there is a continuing need for the program. The bill's provisions expire September 1, 2018.

Codification – Subchapter E, Chapter 39, Education Code; Section 39.117, Education Code

Effective Date – June 14, 2013

20. **SB 124** (Rodriguez) *Relating to the punishment for the offense of tampering with certain governmental records based on certain reporting for school districts and open-enrollment charter schools.*

Summary – Senate Bill 124 amends the Penal Code to include data required to be reported for a school district or open-enrollment charter school to the Texas Education Agency through the Public Education Information Management System (PEIMS) among the governmental records the tampering with which constitutes a third degree felony and to enhance the penalty for the offense of official oppression by a public servant from a Class A misdemeanor to a third degree felony if the public servant acted with the intent to impair the accuracy of such data.

Codification - AASubdivision (2), Subsection (c), Section 37.10 Penal Code; AASubsection (d), Section 39.03, Penal Code,

Effective Date – September 1, 2013

21. **SB 172** (Carona) *Relating to diagnosing the reading development and comprehension of public school kindergarten students.*

Summary - Senate Bill 172 amends the Education Code to require the commissioner of education to include on the commissioner's list of reading instruments that a school may use to diagnose student reading development and comprehension at least two multidimensional assessment tools for use in diagnosing the reading development and comprehension of kindergarten students. A multidimensional assessment tool on the commissioner's list must either include a reading instrument and test at least three developmental skills,

including literacy, or test at least two developmental skills, other than literacy, and be administered in conjunction with a separate reading instrument on the commissioner's list.

Codification - AASubsection (b), Section 28.006, Education Code

Effective Date - June 14, 2013

22. **SB 306** (Huffman) *Relating to consideration of a student receiving treatment in a residential facility for public school accountability purposes.*

Summary - Current law requires the academic performance of a student ordered by a juvenile court into a residential program or facility to be treated separately from that of students in regular attendance in a district school and establishes that such a student is not considered to be a student of the district in which the program or facility is physically located for purposes of determining district or campus performance. Senate Bill 306 amends the Education Code to exclude such a student also from consideration as a student of an open-enrollment charter school and to further exclude any student who is receiving treatment in a residential facility from consideration as a district or charter school student for purposes of determining district, campus, or charter school performance.

Codification - AASection 39.055, Education Code

Effective Date - June 14, 2013

23. **SB 376** (Lucio) *Relating to breakfast for certain public school students.*

Summary - Senate Bill 376 amends the Education Code to require a school district campus or an open-enrollment charter school participating in the national school breakfast program provided by the federal Child Nutrition Act of 1966 and in which 80 percent or more of the students qualify for a free or reduced-price breakfast to offer a free breakfast to each student. The bill requires the commissioner of education to grant a one-year waiver of this requirement to a school district campus or charter school if the district's board of trustees or the charter school's governing body votes to request the waiver at the board's or governing body's annual budget meeting, the waiver was listed as a separate item for consideration on the meeting's agenda, and the public was provided an opportunity to comment on the waiver at the meeting.

Codification - AASection 33.901, Education Code

Effective Date - September 1, 2013

24. **SB 377** (Lucio) *Relating to the determination of certain exemptions from the administration of state assessment instruments to public school students.*

Summary - Senate Bill 377 amends the Education Code to prohibit a student from being considered to be enrolled in a school in the United States for a year for the purpose of determining the number of years after a student's initial enrollment in a school in the United States during which the student may be administered an accommodated or alternative test or granted an exemption from or a postponement of the administration of a test based on the student's status as a student of limited English proficiency, as a recent unschooled immigrant, or as an unschooled asylee or refugee, or on the student's enrollment in a grade for which there is no test in the student's primary language unless the student is enrolled in a school in the United States for a period of at least 60 consecutive days during that year.

Codification - AASection 39.027, Education Code, AASubsection (a-2), Section 39.027, Education Code

Effective Date - September 1, 2013

25. **SB 435** (Duncan) *Relating to the payment of tuition for public high school students who participate in college credit programs.*

Summary - Senate Bill 435 amends the Education Code to make permanent a statutory provision exempting a school district from being required to pay a district student's tuition or other associated costs for taking a course in a college credit program. That exemption, originally set to expire September 1, 2011, had been previously extended until September 1, 2013.

Codification - subsection (a-2), Section 28.009, Education Code

Effective Date - June 14, 2013

26. **SB 453** (Deuell) *Relating to payment of tuition to attend public schools for students holding certain United States student visas.*

Summary - Senate Bill 453 amends the Education Code to require a school district or open-enrollment charter school, if a student is required to pay tuition to cover the cost of the student's education as a condition of obtaining or holding the appropriate United States student visa, to accept tuition for the student in an amount equal to the full unsubsidized per capita cost of providing the student's education for the period of the student's attendance at school in the district or at the charter school. The bill requires the commissioner of education to develop guidelines for determining the amount of that cost and caps the amount of tuition a district or charter school may accept at the amount computed under the commissioner's guidelines, unless the commissioner approves a greater amount as a more accurate reflection of the cost of education to be provided by the district or charter school.

Codification - AASubchapter A, Chapter 25, Education Code

Effective Date – June 14, 2013

27. **SB 460** (Deuell) *Relating to training for public school teachers in the detection and education of students at risk for suicide or with other mental or emotional disorders and the inclusion of mental health concerns in coordinated school health efforts.*

Summary - Senate Bill 460 amends the Education Code to require any minimum academic qualifications specified for a certificate by the State Board for Educator Certification (SBEC) that require a person to possess a bachelor's degree to require also that the person receive instruction in detection of students with mental or emotional disorders as part of the training required to obtain that certificate. The bill requires the training to be developed by a panel of experts in the treatment of such disorders appointed by SBEC and specifies the types of information to be included in the instruction. The bill expands the duties of each school district's local school health advisory council to include recommending grade level-appropriate policies, procedures, and strategies, as well as curriculum, designed to prevent cardiovascular diseases and Type 2 diabetes and expands the scope of such measures to include prevention of mental disorders.

Senate Bill 460 amends the Health and Safety Code to require each school district to provide training relating to early mental health intervention and suicide prevention for teachers, counselors, principals, and all other appropriate personnel, with training provided at an elementary school campus only to the extent that sufficient funding and programs are available.

Senate Bill 460 amends both the Health and Safety Code and the Civil Practice and Remedies Code to clarify the extent of immunity from liability for a school district or district school officer or employee with respect to an act or omission under a program or policy or procedure adopted under Health and Safety Code provisions governing early mental health intervention and prevention of youth suicide other than liability arising from wilful or intentional misconduct.

Codification - AASubsection (e), Section 74.151, Civil Practice and Remedies Code;; AASection 21.044, Education Code; AASubsection (c), Section 28.004, Education Code; AASection 161.325, Health and Safety Code; AASubchapter O-1, Chapter 161, Health and Safety Code

Effective Date – September 1, 2013

28. **SB 709** (Lucio) - *Relating to representation of a person in a special education impartial due process hearing.*

Summary- Senate Bill 709 amends the Education Code to authorize a person in an impartial special education due process hearing brought under federal law to

be represented either by an attorney who is licensed in Texas or by an individual who is not an attorney licensed in Texas but who has special knowledge or training with respect to problems of children with disabilities and who satisfies qualifications prescribed by commissioner of education rule. The bill requires the commissioner by rule to adopt additional qualifications required of a representative who is not an attorney licensed in Texas for purposes of providing such representation and requires a special education due process hearing officer to determine whether an individual satisfies those qualifications.

Codification- Texas Education Code § 29.0162

Effective Date- June 14, 2013

29. **SB 816** (Hegar) *Relating to the date by which a school district must complete a report of an initial evaluation of a student for special education services.*

Summary - Senate Bill 816 amends the Education Code to change the deadline for completing a written report of a full individual and initial evaluation of a student for purposes of special education services from the 60th calendar day to the 45th school day following the date on which the school district receives written consent for the evaluation, unless the student has been absent from school during that period on three or more days, in which case the bill requires the period to be extended by the same number of school days as the number of absences. The bill sets the same deadline for completing a report on the evaluation of a student under five years of age by September 1 of the school year and not enrolled in public school and for a student enrolled in a private or home school setting.

If a school district receives written consent for an initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, the bill requires the evaluation to be completed and the written report to be provided to the parent or legal guardian not later than June 30 of the same year and requires the student's admission, review, and dismissal committee to meet not later than the 15th school day of the following school year to consider the evaluation.

Codification - Section 29.004, Education Code

Effective Date - September 1, 2013

30. **SB 831** (Taylor) *Relating to a list of mental health, substance abuse, and suicide prevention programs that may be selected for implementation by public schools.*

Summary - Senate Bill 831 amends the Health and Safety Code to require the list of recommended best practice-based programs required to be provided and annually updated by the Department of State Health Services (DSHS) from

which each school district may select to implement in public elementary, junior high, middle, and high schools to include programs in mental health promotion and positive youth development and substance abuse prevention and intervention, in addition to programs in early mental health intervention and suicide prevention. The bill requires DSHS to coordinate with regional education service centers, in addition to the Texas Education Agency (TEA), in providing and updating the list and requires DSHS, TEA, and each regional education service center to make the list easily accessible on their websites.

Codification - The heading to Subchapter O-1, Chapter 161, Health and Safety Code; The heading to Section 161.325, Health and Safety Code; Section 161.325, Health and Safety Code

Effective Date - September 1, 2013

31. **SB 860** (Lucio) *Relating to the provision of career and technology education courses in certain partnership programs to provide high school dropout recovery.*

Summary - Senate Bill 860 amends the Education Code to authorize a public junior college to partner with a public technical institute to provide, as part of the dropout recovery program curriculum, career and technology education courses that lead to industry or career certification. The bill authorizes a public technical institute to receive from a partnering public junior college for each student enrolled in such a career and technology education course an amount negotiated between the institute and junior college.

Codification - Section 29.402, Education Code; Section 29.403, Education Code

Effective Date - May 24, 2013

32. **SB 906** (Deuell) *Relating to developmentally appropriate assessment of special education students.*

Summary - Senate Bill 906 amends the Education Code to prohibit the Texas Education Agency from adopting a performance standard that indicates that a student's performance on the alternate statewide standardized test administered to special education program students does not meet standards if the lowest level of the test accurately represents the student's developmental level as determined by the student's admission, review, and dismissal committee.

Codification - Subsection (b), Section 39.023, Education Code

Effective Date - June 14, 2013

33. **SB 914** (Lucio) *Relating to a behavior improvement plan or a behavioral intervention plan adopted for certain students with an individualized education program.*

Summary - Senate Bill 914 amends the Education Code to authorize the committee that develops an individualized education program for a student enrolled in a school district's special education program to determine that a behavior improvement plan or a behavioral intervention plan is appropriate for the student and, if such a determination is made, to require that the appropriate plan be included as part of the student's individualized education program and be provided to each teacher responsible for the student's education.

Codification - Section 29.005, Education Code,

Effective Date - June 14, 2013

34. **SB 1142** (Duncan) *Relating to an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age.*

Summary - Senate Bill 1142 amends the Education Code to require the commissioner of education to establish an adult high school diploma and industry certification charter school pilot program for adults 19 to 50 years of age as a strategy for meeting industry needs for a sufficiently trained workforce within the state. The bill requires the Texas Education Agency (TEA) to adopt and administer a standardized secondary exit-level test appropriate for assessing participants who successfully complete high school curriculum requirements under the pilot program and requires the commissioner to determine the level of test performance considered to be satisfactory for receipt of a high school diploma. The bill authorizes a charter under the pilot program, in addition to the limited number of charters for open-enrollment charter schools otherwise permitted, to be granted to a single qualified nonprofit entity to provide an adult education program for up to 150 individuals to successfully complete a high school diploma program and career and technology education courses leading to industry certification.

Senate Bill 1142 sets out qualifications and conditions for a nonprofit entity to be granted a program charter and eligibility criteria for an individual to enroll in the adult education pilot program. The bill funds an adult education program operated under a pilot program from both general revenue and the Foundation School Program (FSP) on a per-person basis, taking into account a person's eligibility for FSP benefits, and requires TEA to prepare and deliver a biennial report that evaluates any such program and makes recommendations regarding the program's abolition, continuation, or expansion.

Codification - AASubchapter H, Chapter 29, Education Code; AASubsection (a), Section 42.003, Education Code

Effective Date - September 1, 2013

35. **SB 1365** (Duncan) *Relating to the provision of credit by examination for public school students.*

Summary - Senate Bill 1365 amends the Education Code to transfer from the State Board of Education (SBOE) to each individual school district's board of trustees the responsibility for reviewing and approving examinations developed or selected by the district for accelerated advancement from one primary school grade level to the next or for earning high school subject credit by examination. The bill requires the board of trustees to approve for each subject, if available, at least four examinations that satisfy SBOE guidelines, which must include advanced placement examinations administered by the College Board and examinations administered through the College-Level Examination Program.

Senate Bill 1365 lowers from the 90th percentile to the 80th percentile the minimum percentile ranking for a student's score on an approved acceleration examination or on an approved examination for credit at which a district is required to give the student credit for a grade level and advance the student one grade level or to give the student credit for a subject, as applicable. The bill requires a district to give a student credit for a subject if the student scores a three or higher on an approved advanced placement examination administered by the College Board or a scaled score of 60 or higher on an approved examination administered through the College-Level Examination Program. A student who earns credit by examination in a subject is not required to take an end-of-course test for that subject and is exempt from the minimum attendance requirement for a class in order to receive credit for that class.

Senate Bill 1365 increases the frequency at which each district must administer each approved examination for credit from at least once a year to not fewer than four times each year, at times to be determined by the SBOE, unless the examination is administered on a date established by an entity other than the district. The bill limits a student to two attempts to receive credit by examination for a particular subject and requires a student who fails to achieve the designated score for such credit for a subject before the start of the school year in which the student would ordinarily be enrolled in a course in that subject in accordance with the district's prescribed course sequence to satisfactorily complete the course to receive credit for the course.

Codification - AASection 25.092, Education Code; AASection 28.023, Education Code

Effective Date – September 1, 2013

36. **SB 1404** (Patrick) *Relating to attendance at and completion of high school by students who are in the conservatorship of the Department of Family and Protective Services.*

Summary - Senate Bill 1404 amends the Education Code to expand the Texas Education Agency's duties in assisting the transition of substitute care students from one school to another to include developing procedures for awarding partial credit for course work when appropriate and for allowing such a student to complete a course required for graduation at no additional cost before the start of the next school year; ensuring that such a student who is not likely to receive a high school diploma within five school years of enrolling in 9th grade has the student's course credit accrual and personal graduation plan reviewed; and ensuring that a substitute care student in grade 11 or 12 is provided information about dual credit course tuition and fee exemptions for students under the conservatorship of the Department of Family and Protective Services (DFPS). The bill requires a school district to excuse a student who is in the conservatorship of DFPS from attending school to participate in an activity ordered by a court in a suit affecting the parent-child relationship filed by a governmental entity or in a review of the child's placement in such conservatorship if it is not practicable to schedule the participation outside of school hours. The bill requires a school district to offer an intensive program of instruction to a student who is not likely to receive a high school diploma within five school years after enrolling in 9th grade. If an 11th or 12th grade student in the conservatorship of DFPS transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the bill requires the school district from which the student transferred to award a diploma at the student's request if the student meets that district's requirements.

Codification - AASubsection (b), Section 25.007, Education Code; AASubsection (b), Section 25.087, Education Code; AASubsection (a), Section 28.0213, Education Code; AASection 28.025, Education Code

Effective Date - June 14, 2013

37. **SB 1474** (Duncan) *Relating to the adoption of major curriculum initiatives by a school district.*

Summary - Senate Bill 1474 amends the Education Code to require a school district, before adopting a major curriculum initiative, including the use of a curriculum management system, to use a process that includes teacher input, provides district employees with the opportunity to express opinions regarding the initiative, and includes a meeting of the district's board of trustees at which information regarding the initiative, including the initiative's cost and any

considered alternatives, is presented and at which members of the public and district employees are given the opportunity to comment on the initiative.

Codification - AASubsection (g), Section 28.002, Education Code

Effective Date – June 14, 2013

38. **SB 1538** (Van de Putte) *Relating to evaluating the performance, including computing dropout and completion rates, of public schools designated as dropout recovery schools.*

Summary - Senate Bill 1538 amends the Education Code to require the commissioner of education to designate a school district, an open-enrollment charter school, or a district or charter school campus with a majority high school enrollment consisting of students 17 years of age or older that is registered under alternative education accountability procedures adopted by the commissioner as a dropout recovery school. The bill requires the commissioner to use the alternative completion rate established by the bill to determine the student achievement indicator for a dropout recovery school and, in determining a dropout recovery school's performance rating, to include any student expelled from school for a serious offense who graduates or receives a high school equivalency certificate. The bill limits a determination of a dropout recovery school's performance rating with respect to student test performance to a consideration of only the best result from the primary administration and any retaking of a test administered to a student in the school year evaluated under the accountability procedures adopted by the commissioner.

Codification - AASubchapter C, Chapter 39, Education Code

Effective Date – June 14, 2013

39. **SB 1541** (Van de Putte) *Relating to discipline of public school students by school bus drivers.*

Summary- S.B. 1541 adds school buses to the list of places from which a student may be removed under a school's student code of conduct. Senate Bill 1541 amends the Education Code to require the student code of conduct adopted by the board of trustees of an independent school district to specify the circumstances under which a student may be removed from a school bus and to authorize the driver of a school bus transporting students to or from school or a school-sponsored or school-related activity to send a student to the principal's office to maintain effective discipline on the school bus.

Codification- Education Code 37.001(a), 37.0022

Effective Date- June 14, 2013

40. **SB 1556** (Seliger) *Relating to the establishment of a school safety certification program and the School Safety Task Force.*

Summary - Senate Bill 1556 amends the Education Code to establish the School Safety Task Force to study, on an ongoing basis, best practices for school multihazard emergency operations planning and to make recommendations based on the studies to the legislature, the Texas School Safety Center, and the governor's office of homeland security. The bill requires the task force, in performing its duties for schools, to consult with and consider recommendations from school district and school personnel and other entities with knowledge and experience concerning school emergency operations planning and to prepare and submit to the legislature a report concerning the results of the task force's most recent study. The bill requires the Texas School Safety Center, in consultation with the task force, to develop a school safety certification program under which the center awards a school safety certificate to a school district that has adopted and implemented a multihazard emergency operations plan containing specified safety measures and a training outline and that meets certain other requirements and eligibility criteria. The bill repeals a provision requiring the center to develop security criteria that school districts may consider in the design of instructional facilities. The bill abolishes the task force and the school safety certification program on September 1, 2017.

Codification - Subchapter D, Chapter 37, Education Code; Section 46.0081, Education Code; Section 37.2051, Education Code

Effective Date - June 14, 2013

41. **SB 1557** (Lucio) *Relating to business and nonprofit organization participation in supporting early college high schools.*

Summary - Senate Bill 1557 amends the Education Code to remove the specification that gifts, grants, and donations accepted by the commissioner of education for purposes of the early college education program be used to pay any program costs not covered by a participating student's Foundation School Program benefits and to require that contributing private and nonprofit organizations receive the State Board of Education's Employers for Education Excellence Award. The bill requires the commissioner to collaborate with the Texas Workforce Commission (TWC) and the Texas Higher Education Coordinating Board to develop and implement a strategic plan to enhance private industry participation in the program and requires the commissioner to provide a report summarizing the strategic plan to the legislature's presiding officers, the governor, TWC, and the coordinating board.

Codification - AASection 29.908, Education Code

Effective Date - September 1, 2013

42. **SB 1557** (Lucio) *Relating to business and nonprofit organization participation in supporting early college high schools.*

Summary – S.B. 1557 is intended to encourage private sector participation in early college high schools. Early college high schools partner with colleges in order to allow students least likely to attend institutions of higher learning an opportunity to earn a high school diploma and 60 college credit hours. Under current law, the Texas Education Agency (TEA) is permitted to accept gifts, grants, and donations to pay for costs not covered by students' Foundation School Program benefits. To date, no such donations have been made.

S.B. 1557 amends current law relating to business and nonprofit organization participation in supporting early college high schools.

Effective Date – September 1, 2013

43. **SB 1589** (Zaffirini) *Relating to assistance and education regarding personal finance for certain children in foster care.*

Summary - Senate Bill 1589 amends the Family Code to require the experiential life-skills training that a foster care provider is required to provide or assist youth who are age 14 or older in obtaining in order to improve their transition to independent living to include a financial literacy education program. The bill sets out specific content requirements for the instruction to be included in such a program; requires the program to assist a youth who has a source of income to establish a savings plan and, if available, a savings account that the youth can independently manage; and adds assisting a youth who is at least 18 years of age and who has a source of income in obtaining a savings or checking account to the services required to be provided by a person with whom the Department of Family and Protective Services contracts for transitional living services for foster youth.

Codification - AASection 264.121, Family Code

Effective Date – September 1, 2013

44. **SB 1590** (Zaffirini) *Relating to requirements for personal financial literacy training offered by public school districts and public universities.*

Summary - Senate Bill 1590 amends the Education Code to include insurance as a possible topic to be covered by the personal financial literacy training offered by a general academic teaching institution, as determined by the Texas Higher Education Coordinating Board, and to require the curriculum and instructional materials developed by the Texas Education Agency (TEA) in collaboration with the Office of Consumer Credit Commissioner and the State Securities Board for

use in TEA's financial literacy pilot program for public school districts to include information about the use of insurance as a means of protecting against financial risk.

Codification - AASubsection (b), Section 51.305, Education Code; AASubsection (c), Section 29.915, Education Code

Effective Date – June 14, 2013

45. **SB 1658** (Paxton) *Relating to the effect of certain state aid on school districts required to take action to equalize wealth under the school finance system.*

Summary - Senate Bill 1658 amends the Education Code to require the commissioner of education, when the commissioner initially identifies a school district as having a wealth per student for a school year that exceeds the equalized wealth level, to estimate the amount of state revenue to which the district is entitled in general under the Foundation School Program (FSP) for that school year, rather than the additional state aid to which the district is entitled specifically to offset the loss of local property tax revenue resulting from a previously enacted reduction in school district tax rates, as well as the cost to the district to purchase attendance credits in an amount sufficient to reduce the district's wealth per student to the equalized wealth level for that school year. The bill authorizes such a district's board of trustees to authorize the commissioner to withhold an amount equal to the cost of purchasing those attendance credits from the state FSP funding to which it is entitled rather than from the additional state aid to which it is entitled for the tax rate reduction.

Senate Bill 1658 requires the commissioner, if the cost of purchasing such attendance credits exceeds the amount of state FSP funding to which the district is entitled for that year and the district has authorized the withholding of such costs from the district's state FSP funding and, as a result, the commissioner has withheld the entire amount of state FSP funding for that year, either to withhold the additional amount from the state FSP funding to which the district is entitled for a subsequent school year or, if the additional amount exceeds the amount of state revenue to which the district is entitled, to add the difference to the cost of the attendance credits that the district is required to purchase in the subsequent year.

Codification - AAThe heading to Section 41.0041, Education Code; AASubsections (b), (c), and (d), Section 41.0041, Education Code; AASubsection (a), Section 57.32, Chapter 4 (S.B.1), Acts of the 82nd

Effective Date – September 1, 2013

II. HIGHER EDUCATION

1. **HB 29** (Branch) *Relating to requiring certain general academic teaching institutions to offer a fixed tuition price plan to undergraduate students.*

Summary – House Bill 29 amends the Education Code to require the governing board of a general academic teaching institution other than a public state college to offer entering undergraduate students, including transfer students, the opportunity to participate in a fixed tuition price plan under which the institution agrees not to increase tuition charges per semester credit hour for a participating student for at least the first 12 consecutive semesters that occur after the date of the student's initial enrollment. Fees charged by an institution to a participating student are capped at the fees charged to a similarly situated nonparticipating student if the institution offers other tuition payment options.

Codification – Subchapter A, Chapter 54, Education Code

Effective Date – June 14, 2013

2. **HB 31** (Branch) *Relating to certain requirements applicable to meetings of the governing board of a general academic teaching institution or a state university system.*

Summary – House Bill 31 amends the Government Code to require the governing board of a general academic teaching institution or of a university system that includes one or more component general academic teaching institutions, for any regularly scheduled board meeting for which public notice is required, to post as early as practicable in advance of the meeting on the institution's or system's Internet website, as applicable, any written agenda and related supplemental written materials, other than confidential material protected from disclosure under the state's public information law, that are provided to the board members in advance of the meeting by the institution or system for the members' use during the meeting. The bill requires such a board to broadcast the meeting, other than any portions of the meeting lawfully closed to the public, over the Internet in the manner prescribed by law for Internet broadcasting of open meetings and to record the broadcast and make that recording publicly available in an online archive located on the institution's or university system's website.

Codification – Subchapter F, Chapter 551, Government Code

Effective Date – June 14, 2013

3. **HB 842** (Bell) *Relating to the provision of certain opportunities to career and technical students by public school districts under the college credit program.*

Summary - House Bill 842 amends the Education Code to establish that a college credit program implemented by a school district may provide a student the opportunity to earn credit for a course or activity for which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements and that satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree.

Codification - Section 28.009, Education Code

Effective Date – June 10, 2013

4. **HB 1775** (Thompson, Ed/Larson/Ritter/Bonnen, Dennis/Raymond) *Relating to the authority of the University Interscholastic League regarding activities involving sports officials.*

Summary-HB 1775 amends the Education Code to authorize the University Interscholastic League (UIL) to require a sports official, as a condition of eligibility to officiate a UIL-sponsored contest, to be registered with the UIL and comply with the registration requirements set out by the bill, have completed initial and continuing education programs regarding UIL rules, be a member in good standing of a local chapter or association of sports officials recognized by the UIL for that purpose, and agree to abide by UIL rules.

HB 1775 requires a sports official registering with the UIL to provide directory information and submit to a criminal background check. The bill prohibits the UIL from charging a sports official who completes an initial or continuing education program regarding UIL rules a fee for more than one of those programs, authorizes the collection of a registration fee only to defray the cost of registering sports officials, limits the fee amount to the amount determined necessary for that purpose, and requires the UIL to post the fee amount on the UIL's Internet website. The bill authorizes the UIL to revoke or suspend UIL registration of a sports official determined to have violated UIL constitutional provisions or contest rules governing sports officials or other applicable UIL policy, sets out procedures for such revocation or suspension, and requires the UIL to adopt rules to provide a sports official with the opportunity for an appeals process before the UIL revokes or suspends the sports official's registration.

HB 1775 prohibits the UIL from sponsoring or organizing any association of sports officials in which the majority of the membership is composed of sports officials who officiate team sports. The bill authorizes the UIL to set rates or fee schedules payable by a school district or open-enrollment charter school to a sports official.

Codification- Texas Education Code § 33.085

Effective Date- June 14, 2013

5. **HB 3028** (Davis) *Relating to the use of the skills development fund and other funds available to the Texas Workforce Commission to support certain joint credit courses offered by school districts under agreements with lower-division institutions of higher education.*

Summary - House Bill 3028 amends the Labor Code to expand the authorized uses of money from the skills development fund to include awarding funds to a lower-division institution of higher education to be used under an agreement with a school district to support courses offered for joint high school and college-level credit or offered under a college credit career or technical education program that leads to an industry-recognized license, credential, or certificate. The bill provides that in each state fiscal biennium, an amount of money from the fund not to exceed five percent of the amount of general revenue appropriated to that fund for that biennium may be awarded for such use. The bill authorizes funds available to the Texas Workforce Commission from other sources to also be used for that purpose. The bill specifies that appropriate uses of funds so awarded include purchasing or repairing necessary equipment for a course and developing a course curriculum. The bill sets out requirements for such a course or program supported by such an award.

Codification – Section 303.003, Labor Code

Effective Date – June 14, 2013

6. **SB 414** (Ellis) *Relating to a study and report regarding authorizing certain public junior colleges to offer baccalaureate degree programs to address regional workforce needs.*

Summary - Senate Bill 414 amends the Education Code to require the Texas Higher Education Coordinating Board, using existing funds, to conduct a study of regional workforce needs in Texas to determine the regions that would benefit from the authorization of bachelor's degree programs in the fields of nursing and

applied sciences at public junior colleges serving those regions and to determine appropriate metrics to assess whether a public junior college should offer those degree programs. The bill requires the coordinating board to consult with representatives of certain stakeholders in conducting the study and to submit the study's results and recommendations for action to each legislative standing committee with primary jurisdiction over higher education not later than August 1, 2014.

Codification - Subchapter A, Chapter 130, Education Code

Effective Date - June 14, 2013

7. **SB 441** (Birdwell) *Relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.*

Summary - Senate Bill 441 amends the Labor Code to establish the Texas Fast Start Program to support competency-based, rapid-deployment education delivery models for use by public junior colleges, public state colleges, and public technical institutes. The program is administered by the Texas Workforce Commission and the Texas Higher Education Coordinating Board using state appropriations, federal money, or money from holding accounts that may be used by the commission for skills development. The bill authorizes the commission to award grants to support fast start programs and sets out requirements for the grants and the programs.

Codification - Subchapter A, Chapter 302, Labor Code

Effective Date - June 14, 2013

8. **SB 441** (Birdwell) *Relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.*

Summary -

S.B. 441 creates the Texas Fast Start Program, a career and technical education program designed to help students earn career certifications and enter the workforce quickly. The bill empowers the Texas Workforce Commission (TWC), in partnership with the Texas Higher Education Coordinating Board (THECB), to work with public junior colleges and public technical institutes to identify, develop, and support methods to maximize academic or workforce education credit to expedite the entry of postsecondary students into the workforce. Examples of actions TWC and THECB may take include granting awards to public junior colleges and public technical institutes for the expansion of existing fast start programs, developing new fast start programs, and creating any other activities related to the aforementioned purposes. TWC and THECB are also

empowered to create incentives for public junior colleges and public technical institutes to expand existing fast start programs. Grants must be used only to support courses or programs that prepare students for career employment in fields or occupations identified as high-demand by local employers, finance the costs of the program, finance the development or expansion of the program, or offer new or expanded dual credit jointly with a public high school.

S.B. 441 amends current law relating to the establishment of the Texas Fast Start Program to promote rapid delivery of workforce education and development.

Codification - Subchapter A, Chapter 302, Labor Code

Effective Date - June 14, 2013

9. **SB 497** (Seliger) *Relating to the number of semester credit hours required to earn an associate degree at public institutions of higher education.*

Summary - Senate Bill 497 amends the Education Code to prohibit an institution of higher education from requiring a student to complete more than the minimum number of semester credit hours required by the Southern Association of Colleges and Schools for a student to earn an associate's degree, unless the institution determines that there is a compelling academic reason for requiring the additional semester credit hours. The bill exempts from this prohibition an associate's degree awarded by an institution to a student enrolled in the institution before the 2015 fall semester and specifies that the exemption does not prohibit the institution from reducing the number of semester credit hours the student must complete to receive the degree. The bill authorizes the Texas Higher Education Coordinating Board to review one or more of an institution's associate's degree programs to ensure compliance.

Codification - Subchapter C, Chapter 61, Education Code

Effective Date - September 1, 2013

10. **SB 498** (Seliger) *Relating to applying credit earned by a student at a general academic teaching institution to an associate's degree at a lower-division institution of higher education previously attended by the student.*

Summary - Senate Bill 498 amends the Education Code to decrease from 90 credit hours to 66 credit hours the minimum number of cumulative credit hours required to be successfully completed by a student enrolled in a general academic teaching institution before that credit may be applied to an associate's degree to be awarded by a lower-division institution of higher education previously attended by the student, if the student earned at least 30 credit hours at that lower-division institution.

Codification - Subsection (b), Section 61.833, Education Code

Effective Date - June 14, 2013

11. **SB 542** (Watson) *Relating to alternative dispute resolution methods regarding educational services for students with disabilities, including individualized education program facilitation.*

Summary - Senate Bill 542 amends the Education Code to require the Texas Education Agency (TEA) to provide information to parents regarding individualized education program facilitation as an alternative dispute resolution method that may be used to avoid a potential dispute between a school district and a parent of a student with a disability. The bill requires a district that chooses to use individualized education program facilitation to inform parents regarding such facilitation and sets out the manner in which the information is to be provided.

Senate Bill 542 gives a school district offering individualized education program facilitation the option of using independent contractors, district employees, or other qualified individuals as facilitators; requires the parental notification to include a description of any applicable procedures for requesting the facilitation; and requires the facilitation to be provided at no cost to a parent. The bill requires the use of alternative dispute resolution methods to be voluntary on the part of the participants and prohibits the use or availability of any of those methods from being used to deny or delay the right to pursue a special education complaint, mediation, or due process hearing in accordance with federal law.

Senate Bill 542 requires TEA to develop rules for the administration of a state individualized education program facilitation project, which must provide for an independent program facilitator to facilitate an admission, review, and dismissal committee meeting with parties in a dispute about the appropriate public education to be provided to a student with a disability. The bill authorizes the commissioner, if the commissioner determines that adequate funding is available, to use federal funds to implement the project.

Codification - Subchapter A, Chapter 29, Education Code

Effective Date - June 14, 2013

12. **SB 620** (Van de Putte) *Relating to student loan repayment assistance for speech-language pathologists or audiologists employed by a public school or as faculty members of certain programs at public institutions of higher education.*

Summary - Senate Bill 620 amends the Education Code to require the Texas Higher Education Coordinating Board to provide assistance in the repayment of

student loans for speech-language pathologists and audiologists who apply and qualify for assistance. The bill sets out the conditions of eligibility for such assistance and authorizes a qualifying speech-language pathologist or audiologist to receive repayment assistance grants of up to \$9,000 per year for an eligible recipient who holds a doctoral degree, or up to \$6,000 per year for an eligible recipient who holds a master's degree, for up to five years of employment by a public school or a communicative disorders program at a public, private, or independent institution of higher education.

Codification - Chapter 61, Education Code

Effective Date - September 1, 2013

13. **SB 680** (West) *Relating to a pilot program to improve student loan default rates and financial aid literacy among postsecondary students.*

Summary - Senate Bill 680 amends the Education Code to require the Texas Higher Education Coordinating Board to establish and administer, or to contract with one or more entities for the administration of, a temporary pilot program at selected postsecondary educational institutions to ensure that students of those institutions are informed consumers with regard to all aspects of student financial aid. The bill requires the coordinating board to select at least one institution from each of certain specified categories of postsecondary educational institutions to participate in the program and, in doing so, to give priority to institutions that have a three-year cohort student loan default rate, as reported by the U.S. Department of Education, of more than 20 percent or that has above average growth as compared to the rates of other postsecondary educational institutions in Texas. The bill requires the coordinating board to submit an annual report, beginning in 2016, to the governor, the lieutenant governor, and the speaker of the house of representatives regarding pilot program outcomes, as reflected in the federal student loan default rates reported for the participating institutions, and requires each participating institution to submit a report to the same entities regarding pilot program outcomes at the institution, as reflected in the federal student loan default rate reported for the institution. The bill's provisions expire December 31, 2020.

Codification - Subchapter C, Chapter 61, Education Code

Effective Date - June 14, 2013

14. **SB 939** (West) *Relating to reporting child abuse and neglect and to training regarding recognizing and reporting child abuse and neglect at schools, institutions of higher education, and other entities.*

Summary - Senate Bill 939 amends provisions of the Education Code and the Human Resources Code relating to reporting child abuse and neglect and to

training regarding recognizing and reporting child abuse and neglect at schools, institutions of higher education, and certain child-care facilities, homes, and agencies. The bill includes open-enrollment charter schools and their employees among those subject to Texas Education Agency (TEA) policy governing reports of child abuse and neglect and requires the policy to require each school district and open-enrollment charter school employee to report child abuse and neglect in the manner prescribed by the Family Code. The bill expands the training requirement regarding prevention techniques for and recognition of sexual abuse and all other maltreatment of children to include existing school district and open-enrollment charter school employees on a schedule adopted by TEA and sets out requirements for posting the child abuse hotline telephone number in each public school and open-enrollment charter school. The bill requires an institution of higher education to adopt a policy governing the reporting of child abuse and neglect for the institution and its employees and establishes child abuse training requirements for certain employees who are professionals. The bill requires each employee of certain licensed child-care facilities, homes, and agencies to sign a statement verifying the employee's attendance at a child abuse training program and requires the statement to be maintained by the facility.

Codification - Subsection (a), Section 38.004, Education Code; Subsection (c), Section 38.0041, Education Code; Subchapter A, Chapter 38, Education Code; Subchapter Z, Chapter 51, Education Code; Section 42.0426, Human Resources Code

Effective Date - September 1, 2013

15. **SB 976** (West) *Relating to the temporary approval of an institution to participate in the tuition equalization grant program.*

Summary - Senate Bill 976 amends the Education Code to authorize the Texas Higher Education Coordinating Board to temporarily approve for participation in the tuition equalization grant program a private or independent institution of higher education that previously qualified as an approved institution but no longer holds the same accreditation as public institutions of higher education. The bill requires such an institution, in order to qualify, to be accredited by an accreditor recognized by the coordinating board; to be actively working toward the same accreditation as public institutions of higher education; to be participating in the federal financial aid program; and to be a "part B institution" as defined by federal law. The bill authorizes the coordinating board to grant temporary approval for a period of two years and to renew the approval once.

Codification - Section 61.222, Education Code

Effective Date - June 14, 2013

16. **SB 1158** (Van de Putte) *Relating to higher education for veterans and their families.*

Summary - Senate Bill 1158 amends the Education Code to transfer administration of tuition and fee exemptions for veterans and their families from the Texas Higher Education Coordinating Board to the Texas Veterans Commission and sets out the duties of the commission regarding the exemptions. The bill clarifies the exemptions for the spouse or child of an eligible veteran and revises the deadline for submitting evidence of qualifying for an exemption to an institution of higher education. The bill provides for the commission's use of an electronic system developed by the coordinating board to monitor tuition exemptions for veterans and their family members.

Senate Bill 1158 provides for a permanent fund to offset the cost to institutions of higher education when an eligible veteran waives an exemption and designates a child to receive the exemption. The bill provides for a veteran education excellence recognition award network to recognize institutions of higher education for excellence in providing education and related services to veterans, and it requires the commission to hire veteran's education counselors to provide certain specified assistance to enhance the educational opportunities of veterans and their families. Provisions relating to the award network take effect September 1, 2014; all other provisions take effect June 14, 2013.

Codification - Section 54.341, Education Code; Subchapter D, Chapter 54, Education Code; Subchapter A, Chapter 434, Government Code, Section 61.0516, Education Code; Chapter 434, Government Code, Subdivision (4), Subsection (b), Section 9.01, Chapter 1049 (Senate Bill No. 5)

Effective Date - June 14, 2013

17. **SB 1525** (Zaffirini) *Relating to including disability awareness training in risk management programs required for members and advisors of student organizations at postsecondary educational institutions.*

Summary - Senate Bill 1525 amends the Education Code to include certain disability awareness training, including a review of applicable statutory requirements and institutional policies for providing reasonable accommodations and modifications to meet the needs of students with disabilities, in the risk management programs required for members and advisors of student organizations at postsecondary educational institutions.

Codification - Subsection (g), Section 51.9361, Education Code

Effective Date - June 14, 2013

18. **SB 1531** (Seliger) *Relating to providing information to entering undergraduate students at certain general academic teaching institutions to promote timely graduation.*

Summary - Senate Bill 1531 amends the Education Code to require a general academic teaching institution other than a public state college to provide to each first-time entering undergraduate student, including an incoming transfer student, a comparison of the average total amounts of tuition and fees paid by a full-time student who graduates from the institution in four, five, and six academic years, respectively; an estimate of the average earnings lost by a recent graduate as a result of graduating after five or six years instead of four; and a list of actions the student can take to facilitate the student's timely graduation and contact information for support services available at the institution to assist the student in that effort.

Codification - Subchapter Z, Chapter 51, Education Code; Section 51.9195, Education Code

Effective Date - September 1, 2013

EMPLOYMENT

1. **HB 26** (Martinez) *Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.*

Summary - Current law prohibits employer chargebacks or the denial of unemployment compensation benefits if a person provides evidence as prescribed by law that the person left the workplace because the person is a victim of family violence or stalking. House Bill 26 amends the Labor Code to prohibit the chargebacks or denial of benefits if a person or an immediate family member of the person is a victim of sexual assault. The bill includes written documentation from a family violence center or rape crisis center among the medical documentation that a person can provide as evidence of family violence or sexual assault.

Codification- Section 204.022(a), Labor Code; Section 204.022(d), Labor Code; Section 207.046(a), Labor Code; Section 207.046(c), Labor Code

Effective Date - June 14, 2013

2. **HB 13** (Callegari) *Relating to the State Pension Review Board and public retirement systems; authorizing a fee.*

Summary - House Bill 13 amends the Government Code to require the State Pension Review Board to post on the board's Internet website, or on a publicly available website linked to the board's website, the most recent data from system reports relating to each public retirement system's actuarial valuation, annual finances, membership, registration, and investment returns and assumptions; to post on the board's website a list of systems that have not submitted the required reports or information within 60 days of the report's or information's due date; and to notify the governor, the Legislative Budget Board, and the governing body of the applicable political subdivisions regarding that lack of timely submission.

House Bill 13 requires the pension review board to develop and make reasonably accessible on the board's Internet website model ethical standards and conflict-of-interest policies for voluntary use by a public retirement system; to develop and administer an educational training program for trustees and system administrators that includes in the program's curriculum minimum training requirements for those individuals; to develop a system to track those individuals' compliance with those requirements; and to include compliance levels in the board's biennial report to the legislature and governor. The bill authorizes a public retirement system to provide its own educational training to its trustees and administrators if the board determines that the system's training meets or exceeds the minimum training requirements set by the board and establishes that a participant in that system's training fulfills the board's training requirements.

House Bill 13 requires a public retirement system to post prominently on a publicly available Internet website that is maintained by or for the system, by the political subdivision whose officials or employees are members of the system, or by a state agency contact information for a system administrator, a copy of the most recent edition of each required report, and other written information that the system is required to submit to the pension review board.

House Bill 13 requires a public retirement system to submit to the pension review board an investment returns and actuarial assumptions report that includes the system's gross and net investment returns and rolling gross and net returns for various specified periods and authorizes the calculation of a net investment return as the money-weighted rate of return for that purpose. The bill requires the governing body of a public retirement system, if any information required in the report is unavailable, to certify and explain that fact to the board and to agree to make a timely submission of that information if it becomes available.

House Bill 13 requires the pension review board to conduct a study of the financial health of public retirement systems in Texas, including each system's ability to meet its long-term obligations, and requires each retirement system to cooperate fully and provide timely responses to board requests for information, other than confidential information protected from public disclosure. The bill requires the board to prepare a written report containing the findings of the study, including recommendations for mitigating risks; to provide each applicable public retirement system an opportunity to review and respond to applicable portions of that report, which the board may revise; and to submit the final written report, including the board's recommendations and any system responses, to the legislature not later than December 1, 2014.

Codification – Section 801.001, Government Code; Subchapter C, Chapter 801, Government Code; Section 802.001, Government Code; Section 802.107, Government Code; Subchapter B, Chapter 802, Government Code

Effective Date – May 24, 2013

3. **HB 798** (Thompson, Senfronia) - *Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.*

Summary- House Bill 798 amends the Occupations Code to exempt from suspension or revocation of a license, disqualification from receipt of a license, or denial of the opportunity to take a licensing examination a person who has been convicted only of an offense punishable as a Class C misdemeanor unless the person is an applicant for or the holder of a license that authorizes the person to possess a firearm and the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by federal law.

Codification- Texas Occupations Code § 53.021

Effective Date- September 1, 2013

4. **HB 1188** (Thompson, Senfronia/Perry/Miles) - *Relating to limiting the liability of persons who employ persons with criminal convictions.*

Summary- House Bill 1188 amends the Civil Practice and Remedies Code to prohibit a cause of action from being brought against an employer, general contractor, premises owner, or other third party solely for negligently hiring or failing to adequately supervise an employee, based on evidence that the employee has been convicted of an offense. The bill's provisions do not create a cause of action or expand an existing cause of action and, under certain conditions, do not preclude a cause of action for negligent hiring or the failure of an employer, general contractor, premises owner, or other third party to provide

adequate supervision of an employee. The bill also establishes that, under certain conditions, the protections provided to an employer, general contractor, premises owner, or third party under the bill's provisions do not apply in a suit concerning the misuse of funds or property of a person other than the employer, general contractor, premises owner, or third party by an employee.

Codification- Texas Civil Practices & Remedies Code Ch. 142

Effective Date- June 14, 2013

5. **HB 2095** (Thompson, Senfronia) - *Relating to the regulation of barbering and cosmetology; authorizing fees.*

Summary- H.B. 2095 amends current law relating to the regulation of barbering and cosmetology and authorizes fees. Specifically, H.B. 2095 eliminates unnecessary licenses and certificates; permits an individual with a student permit to shampoo and condition hair at a licensed facility for compensation; creates a mini-salon or mini-barbershop licensing program to address a new business model that has developed in the industries; allows licensed barbers and cosmetologists to perform services outside of licensed facilities when necessary due to the physical or mental incapacitation of the recipient; and removes outdated restrictions relating to workstations, beauty school instructors, and examination proctors.

Codification- Texas Occupation Code Ch. 1601 and 1602

Effective Date- September 1, 2013

6. **SB 21** (Williams) *Relating to drug screening or testing as a condition for the receipt of unemployment compensation benefits by certain individuals.*

KEN LEGLER ACT

Summary - Current law makes an unemployed individual eligible to receive unemployment compensation benefits for a benefit period if the individual is available for work, among other conditions. Senate Bill 21 amends the Labor Code to enact the Ken Legler Act to specify that an individual for whom suitable work is available only in an occupation that regularly conducts pre-employment drug testing is available for work only if the individual complies with the applicable requirements of the drug screening and testing program administered by the Texas Workforce Commission under the bill. The bill requires such an individual who files an initial claim for benefits to pass a drug screening assessment, and if the assessment indicates a reasonable likelihood that the

individual is using a regulated substance, to pass a drug test. An individual who fails a drug test is ineligible to receive benefits until the individual has passed a subsequent drug test administered after a prescribed period. The bill sets out conditions under which an individual who fails a drug test is eligible to receive benefits and sets out requirements for procedures relating to the rights of an individual who fails a drug test.

Codification – Section 207.021, Labor Code; Subchapter B, Chapter 207, Labor Code

Effective Date – September 1, 2013

ELECTION

1. **HB 148** (Burkett) *Relating to aid provided to certain voters; providing criminal penalties.*

Summary – There is currently no limit to the number of times a person may act as courier for mail-in ballots in a given election and interested parties contend that some couriers may provide unlawful assistance, unlawful witness, or electioneer to voters in the process of acting as a courier in the presence of an active ballot. In certain localities, interested parties have noted that couriers may receive per-ballot compensation to collect mail-in ballots from eligible voters and posting them on behalf of those voters. This practice is referred to as "voter harvesting."

H.B. 148 seeks to set penalties for the offense of voter harvesting and related offenses.

H.B. 148 amends current law relating to aid provided to certain voters, and provides criminal penalties.

Codification – Chapter 86, Election Code, Chapter 86, Election Code, Section 86.013(d), Election Code,

Effective Date – September 1, 2013

2. **HB 506** (Lozano) *Relating to the location of early voting polling places for elections held on the November uniform election date by a political subdivision.*

Summary – Currently, many counties hold local elections at the same time as general elections. The uniformity in the date and location help ensure voters are not confused as to where to vote. Separate voting locations confuse voters and decreases turnout.

C.S.H.B. 506 amends current law relating to the location of early voting polling places for elections held on the November uniform election date by a political subdivision.

Codification – Subchapter A, Chapter 85, Election Code,

Effective Date – September 1, 2013

3. **HB 1164** (Thompson, Ed/Bonnen, Greg/Klick/Perry) - *Relating to the territory that may be included in a single county election precinct.*

Summary- House Bill 1164 amends the Election Code to remove a provision prohibiting a county election precinct from containing territory from more than one ward in a city with a population of 10,000 or more.

Codification- Texas Election Code § 42.005

Effective Date- May 24, 2013

4. **HB 2233** (Simmons) *Relating to signature verification on an early voting ballot voted by mail.*

Summary - Current law requires the early voting ballot board, in making a determination of whether a voter's signature on a ballot application or a signature on the carrier envelope was executed by a person other than the voter, to compare the signatures with the voter's registration application. House Bill 2233 authorizes the board, in making this determination, to also compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the voter registrar.

Codification – Section 87.041(e), Election Code,

Effective Date – June 14, 2013

5. **HB 2263** (Miller) *Relating to requesting a replacement voter registration certificate by telephone or electronically.*

Summary - Current law authorizes a voter whose registration certificate is lost or destroyed to obtain a replacement certificate only by delivering a written notice

of the loss or destruction to the voter registrar. House Bill 2263 amends the Election Code to authorize such a voter to also obtain a replacement by delivering such notice electronically or by telephoning the registrar to request a replacement.

Codification – Section 15.004, Election Code,

Effective Date – June 13, 2014

6. **HB 2512** (Miller) *Relating to the disclosure of certain information to the secretary of state for use in voter registration or the administration of elections.*

Summary - House Bill 2512 amends the Transportation Code to include the secretary of state, for the purposes of voter registration or the administration of elections, among the limited entities to which information provided on a driver's license application relating to the applicant's social security number may be disclosed and requires the Department of Public Safety to disclose such information on request of the secretary of state.

Codification – Sections 521.044(a) and (c), Transportation Code; Section 730.005, Transportation Code

Effective Date – June 13, 2014

7. **HB 3593** (Burnam/Hernandez Luna) - *Relating to the determination that a voter is deceased.*

Summary- States are required to make a reasonable effort to remove deceased individuals from voter registration rolls. As part of the process for fulfilling that requirement, the Texas secretary of state (SOS) compares death records to voter registration rolls in order to help determine if a voter is deceased. SOS cancels the registration of a voter considered to be a strong match to a name on the death record and sends a match considered to be weak to the applicable county voter registrar to make a final determination. Interested parties assert that some county voter registrars have removed voters who are still alive from the registration rolls. **In 2012, 9000 citizens in Harris County, Texas received letters warning them their voter registrations may be cancelled because they might be dead. If they were in fact still alive, these voters had 30 days to respond or be purged from the rolls.**

Codification- Election Code 16.033, 18.068,

Effective Date- September 1, 2013

8. **SB 169** (Hegar) *Relating to ballot language for an election to approve and finance a municipal or county venue project.*

Summary - Senate Bill 169 amends the Local Government Code to include in the language required to be on the ballot at an election for a sports or community venue project a space to insert either "impose a new" or "authorize the use of the existing" tax.

Codification - Subsection (c), Section 334.024, Local Government Code

Effective Date - September 1, 2013

9. **SB 553** (Uresti) *Relating to certain high school students serving as early voting clerks in an election.*

Summary - Senate Bill 553 amends the Education Code and Election Code to authorize an early voting clerk in an election to appoint a high school student as a student early voting clerk and to authorize a school district to adopt a policy excusing such a student from attending school for not more than two days.

Codification - Section 25.087, Education Code; Section 33.092, Education Code; Subchapter A, Chapter 83, Election Code

Effective Date - September 1, 2013

10. **SB 637** (Paxton) *Relating to notice and election order requirements for bond approval elections held by political subdivisions.*

Summary - Senate Bill 637 amends the Election Code to set out the information that a document ordering an election to authorize a political subdivision to issue debt must distinctly state and establishes public posting requirements for the election order.

Codification - Chapter 3, Election Code; Section 4.003, Election Code

Effective Date - September 1, 2013

11. **SB 692** (Carona) *Relating to the filing by electronic mail of financial disclosures by certain county officers, county employees, or candidates for county office.*

Summary - Senate Bill 692 amends Local Government Code provisions relating to financial disclosure by county officers and employees to provide for electronic filing of the financial disclosure.

Codification - Section 159.003, Local Government Code; Subsection (b), Section 159.005, Local Government Code; Section 159.034, Local Government Code; Section 159.052, Local Government Code; Subsection (b), Section 159.054, Local Government Code

Effective Date - September 1, 2013

12. **SB 904** (Van de Putte) *Relating to the adoption of certain voting procedures and the modification of certain election deadlines, including those necessary to implement the federal Military and Overseas Voter Empowerment Act.*

Summary - Prior legislation helped implement the federal Military and Overseas Voter Empowerment Act. To ensure full compliance with a provision of this act, Texas had to shift its election calendar. Concerned parties note that, unfortunately, a few filing deadlines were missed when establishing the new calendar. S.B. 904 seeks to modify certain election deadlines, to establish additional procedures to help ease military and overseas voting, and to streamline the voting process.

Codification - Section 101.007, Election Code; Subsection (b), Section 101.107, Election Code; Subsection (a), Section 145.092, Election Code; Subsections (a) and (b), Section 172.054, Election Code; Section 172.057, Election Code; Subsection (a), Section 172.058, Election Code; Subsections (a) and (c), Section 202.004, Election Code; (a)Section 50, Chapter 1318 (Senate Bill No.

100), Acts of the 82nd Legislature, Regular Session, 2011

Effective Date - September 1, 2013

13. **SB 910** (Duncan) *Relating to certain election practices and procedures.*

Summary - Senate Bill 910 amends the Election Code to authorize the submission of certain documents under Texas election law to be made by telephonic facsimile machine. Among other provisions relating to election practices and procedures, the bill requires information filed monthly with the secretary of state by certain entities regarding deceased Texas residents to be filed electronically unless the secretary of state waives this requirement. The bill specifies that documents the secretary of state submits to the attorney general in regard to a complaint are not considered public information except under certain circumstances. The bill revises certain election-related deadlines and filing periods and includes among the costs of a recount that are assessable against the authority responsible for paying the expenses of an election the actual expense incurred in producing a printed ballot image from an electronic voting system record.

Senate Bill 910 amends the Government Code to require the list of people who are excused or disqualified from jury service because they are not citizens of the United States that is filed with the secretary of state by the clerk of a court to be filed electronically.

Codification - Subsection (c), Section 1.007, Election Code; Subsection (a), Section 13.002, Election Code; Section 13.143, Election Code; Section 16.001, Election

Code; Subsection (b), Section 31.006, Election Code; Section 32.054, Election Code; Subchapter C, Chapter 52, Election Code; Section 63.0011, Election Code; Subsection (c), Section 84.007, Election Code; Section 85.034, Election Code; Subsection (a), Section 86.014, Election Code; Section 141.031, Election Code; Subsection (a), Section 144.005, Election Code; Subsection (a), Section 145.096, Election Code; Subsections (a) and (b), Section 172.054, Election Code; Section 172.057, Election Code; Section 201.052, Election Code; Subsection (a), Section 201.054, Election Code; Subsections (a) and (c), Section 202.004, Election Code, Section 215.002, Election Code; Section 62.113, Government Code; Subsection (f), Section 86.001, Election Code

Effective Date - September 1, 2013

14. **SB 1398** (Estes) *Relating to rules governing the allocation of delegates to a political party's national presidential nominating convention.*

Summary - Senate Bill 1398 amends the Election Code to authorize a rule adopted by each political party holding a presidential primary election to use either a proportional or winner-take-all method, based on the results of the presidential primary election, and to set out criteria on which such a rule may be based. The bill does not apply to delegates allocated among party and elected officials or delegates allocated based on participants registering for or attending a caucus or similar process under certain other conditions.

Codification - Section 191.007, Election Code

Effective Date - June 14, 2013

FAMILY

I. FAMILIAL RELATIONSHIPS

1. **HB 154** (Taylor, Van/Thompson, Senfronia) - *Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.*

Summary - Current law authorizes a man who, without obtaining genetic testing, either has signed an acknowledgment of paternity or is adjudicated to be the father of a child to file suit for termination of the petitioner's parent-child relationship. House Bill 154 amends the Family Code to extend the deadline to file such a suit to not later than the second anniversary of the date on which the petitioner becomes aware of the facts alleged in the petition indicating the petitioner is not the child's genetic father. The bill establishes that an order terminating the parent-child relationship based on the results of genetic testing,

in addition to ending the petitioner's obligation for future child support as of the date the order is rendered, ends the petitioner's obligation to pay interest that accrues after that date on the basis of a child support arrearage or money judgment for a child support arrearage existing on that date.

Codification- Texas Family Code §§ 161.005(e), (i), and 161.005

Effective Date- September 1, 2013

2. **HB 843** (Lucio III) *Relating to persons entitled to notice of and to participation in certain hearings regarding a child in the conservatorship of the state.*

Summary – A child “ages out” of foster care when he or she leaves the child welfare system never having found a permanent placement or family. Many times, these youth lack the supports and skills needed to navigate life independently and thrive as an adult. Statistics show that foster youth, as a group, struggle more than other young adults and experience high rates of homelessness, joblessness and poverty. During their time in foster care, many youth can feel disconnected from the decisions being made regarding their lives and lack a sense of control. Additionally, youth are not always provided opportunities to develop skills for effective decision-making and self-advocacy and, in turn, are unable to navigate independence as an adult successfully. To ensure that those aging out of the foster system have the knowledge and skills needed to be self-sufficient, productive, healthy adults, youth should be authentically engaged in their own case and permanency planning.

H.B. 843 will ensure that youth age 10 and older or as deemed capable by the court are entitled to not less than 10 days’ notice of a review hearing. The judicial system plays a critical role in protecting the best interests of youth in foster care and at each hearing, a judge reviews necessary information provided by stakeholders to make appropriate decisions that promote a child’s well-being and path to permanency. Currently, statute requires notice for court hearings to be given to certain parties on a child’s case including, the caregiver, child placing agency, ad litem, and the child’s attorney. Although the Texas Family Code requires youth to attend certain hearings, the notification provided to other parties is not extended to youth. To ensure youth are provided the opportunity to express their position to the court and benefit from the hearing review process, youth able to appropriately engage in the process should be afforded notice of their court hearings.

Improvements are needed to ensure that individualized and appropriate service planning that takes into account the youth's perspective, that youth are provided the opportunity to take ownership of and joint responsibility for their transition planning, that youth can gain a sense of empowerment as individuals and make healthy decisions for their life, and that the court system and other legal parties on a youth's case can gather pertinent information directly from that youth that is needed to assess the best interests of the youth.

H.B. 843 amends current law relating to persons entitled to notice of and to participation in certain hearings regarding a child in the conservatorship of the state.

Codification – Section 263.301(b), Family Code; Section 263.501(d), Family Code,

Effective Date – September 1, 2013

3. **HB 845** (Lucio III) *Relating to possession of or access to a child.*

Summary - House Bill 845 amends Family Code provisions relating to standard court orders for possession of a child in suits affecting the parent-child relationship. The bill specifies that written notice for purposes of such possession may be provided by e-mail or facsimile. The bill provides additional alternative beginning and ending possession times under the standard possession schedule for Mother's Day weekend and for Thursdays and weekends during the regular school term. The bill also repeals provisions relating to a petition by a conservator for additional periods of possession of or access to a child after the conclusion of the conservator's military deployment.

Codification - Section 153.316, Family Code; Section 153.317(a), Family Code; Section 153.3162, Family Code; Sections 153.316 and 153.317, Family Code,

Effective Date – September 1, 2013

4. **HB 1185** (Thompson) *Relating to the retention of certain records in a suit affecting the parent-child relationship by a child's attorney ad litem, guardian ad litem, or amicus attorney.*

Summary - House Bill 1185 repeals the Family Code provision that required relevant records relating to a child obtained by an attorney ad litem for the child, a guardian ad litem for the child, or an amicus attorney in certain suits affecting

the parent-child relationship to be destroyed on termination of the representative's appointment.

Codification - Section 107.006(f), Family Code,

Effective Date - September 1, 2013

5. **HB 1205** (Parker) *Relating to the offense of failure to report abuse or neglect of a child.*

Summary - House Bill 1205 amends the Family Code to clarify the conduct that constitutes an offense relating to failure of a person to report abuse or neglect of a child. The bill makes it a Class A misdemeanor offense for certain specified professionals to knowingly fail to make such a report and enhances the penalty for such an offense to a state jail felony if it is shown on trial of the offense that the actor intended to conceal the abuse or neglect.

Codification - Section 261.109, Family Code

Effective Date - September 1, 2013

6. **HB 1206** (Parker) *Relating to the duties of a law enforcement agency regarding certain children who are reported to be missing.*

Summary -

Absent court-ordered custodial rights there is nothing in law that prohibits one spouse from abducting the individual's child from the other spouse, and stakeholders assert that it is a more common practice than one would expect. Last session, H.B. 2367 created the Texas Parental Rights Advisory Panel and charged the panel with conducting a thorough review of this topic and recommending to the legislature what changes, if any, were necessary to further protect children abducted by a parent.

H.B. 1206 requires law enforcement to actively investigate the location of a child who, for a period of at least 48 hours, has been taken from a parent and with the purpose of depriving that parent of access to the child. Upon finding the child, H.B. 1206 further requires law enforcement to assess the well-being of the child and to follow standard protocol in involving child protective services in the case if the child is suspected to be the victim of abuse or neglect as defined in the Family Code.

Specifically, this bill does not criminalize the act of a parent taking a child from the parent's spouse; makes an exception to the bill's provisions for any parent who abducts their child in order to flee from an abusive situation; requires law enforcement to make every effort to locate a child missing under these circumstances and to determine the child's well-being; and gives law enforcement the discretion to determine whether it is appropriate to disclose to the parent who filed the missing child report the location of the child once that is determined.

H.B. 1206 amends current law relating to the duties of a law enforcement agency regarding certain children who are reported to be missing.

Codification – Article 63.009, Code of Criminal Procedure,

Effective Date – September 1, 2013

7. **HB 1228** (Dukes/Thompson, Senfronia/Raymond/Harless/Zerwas) - *Relating to consideration by the court of sexual abuse and conduct that constitutes sexual assault in certain suits affecting the parent-child relationship.*

Summary - It has been reported that thousands of women in the United States become pregnant from rape each year. This bill authorizes the court to not allow a parent to have access to a child for whom it is shown by a preponderance of the evidence that there is a history or pattern of committing family violence during the two years preceding the date of the filing of the suit or during the pendency of the suit, or the parent engaged in conduct that constitutes an offense under Penal Code sections 21.02, 22.011 (Sexual Assault), 22.021 (Aggravated Sexual Assault), or 25.02 (Prohibited Sexual Conduct), , and that as a direct result of the conduct, the victim of the conduct became pregnant with the parent's child.

Codification- Family Code Section 153.004

Effective Date- September 1, 2013

8. **HB 3259** (Wu) *Relating to certain investigation records in child abuse and neglect cases and to information regarding a child available to prospective adoptive parents.*

Summary - House Bill 3259 amends the Family Code to require the records relating to the history of a child that the prospective adoptive parents of the child are entitled to examine to include any records relating to an investigation of abuse in which the child was an alleged or confirmed victim of sexual abuse while residing in a foster home or other residential child-care facility. The bill

requires the Department of Family and Protective Services to provide such information to the prospective adoptive parents of the child at the request of a licensed child-placing agency or other person placing the child for adoption who does not have the information. The bill replaces references to audiotapes with references to audio recordings and references to videotaped interviews with references to video recordings of interviews in provisions relating to the release of a case record and the use, confidentiality, and ownership of certain information and records in an investigation of child abuse and neglect.

Codification – Section 162.006, Family Code; Section 264.0145(a), Family Code; Sections 264.408(d), (d-1), and (e), Family Code

Effective Date – September 1, 2013

9. **SB 129** (Nelson) - *Relating to proper venue for filing an application for a protective order against family violence.*

Summary - S.B. 129 expands the number of locations where a victim of domestic violence can file an application for a protective order by allowing a victim to file an application for a protective order in the county where the domestic violence offense occurred. Currently, applications for protective orders can only be filed in the county in which the victim resides or the county in which the alleged offender resides. Giving a victim more options for filing could protect a victim by not exposing the county to which the victim may have moved.

Codification- Family Code Section 82.003

Effective Date- September 1, 2013

10. **SB 260** (Davis) *Relating to the absence of a student from school to visit with a parent, stepparent, or guardian who will be or has been deployed on military duty.*

Summary - Senate Bill 260 amends the Education Code to require a school district to excuse a student for not more than five days in a school year to visit with the student's parent, stepparent, or legal guardian if the parent, stepparent, or legal guardian is an active duty member of the U.S. military and has been called to duty for, is on leave from, or has immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides. Such an excused absence must be taken not earlier than the 60th day before the member's deployment nor later than the 30th day after the member's return from deployment.

Codification - Section 25.087, Education Code

Effective Date – June 14, 2013

11. **SB 330** (Huffman) *Relating to certain information to which a social study evaluator is entitled in a suit affecting the parent-child relationship; providing a criminal penalty.*

Summary - Senate Bill 330 amends the Family Code to entitle a social study evaluator to obtain from the Department of Family and Protective Services (DFPS) a complete, unredacted copy of any investigative record regarding abuse or neglect that relates to any person residing in the residence subject to the social study. The bill makes the records confidential and exempt from disclosure under state public information law or disclosure in response to a subpoena or a discovery request, but authorizes disclosure in the social study report of information obtained to the extent the evaluator determines the information is relevant to the social study or a recommendation made in relation to a social study. The bill makes it a Class A misdemeanor offense for a person to disclose confidential information obtained from DFPS.

Codification - AASubchapter D, Chapter 107, Family Code

Effective Date - September 1, 2013

12. **SB 426** (Nelson) *Relating to a home visiting program for at-risk families.*

Summary - Effective September 1, 2013, Senate Bill 426 amends the Government Code to require the Health and Human Services Commission (HHSC) to create a strategic plan to serve at-risk pregnant women and families with children under the age of six through home visiting programs that improve outcomes for parents and families. The bill establishes the circumstances under which a pregnant woman or family is considered to be at-risk for purposes of enrollment in a program. The bill sets out the conditions that determine if a home visiting program classifies as either an evidence-based program or a promising practice program and requires HHSC to ensure that at least 75 percent of funds appropriated for home visiting programs are used in evidence-based programs. The bill requires HHSC to ensure that a home visiting program achieves favorable outcomes in a minimum number of specified areas of improvement and to adopt outcome indicators to measure the effectiveness of a program in achieving desired outcomes. The bill requires HHSC to prepare and submit an initial report on state-funded home visiting programs to specified legislative committees and sets out biennial HHSC reporting requirements, effective January 15, 2015, regarding state-funded home visiting programs.

Codification - Chapter 531, Government Code

Effective Date - June 14, 2013

13. **SB 1060** (Nelson) *Relating to family cost share provisions in the early childhood intervention program.*

Summary - Senate Bill 1060 amends the Human Resources Code to require the Department of Assistive and Rehabilitative Services (DARS), on a periodic basis and at the request of the Legislative Budget Board (LBB), to evaluate the cost-effectiveness of existing family cost share provisions in the early childhood intervention program and to consider changes that may improve the cost-effectiveness of the program, including the adoption of a family cost share provision, under which the amount a family pays to participate in the early childhood intervention program is based on the amount of service the family receives under the program. The bill requires DARS to collect data sufficient to conduct the evaluations and to modify as necessary the Texas Kids Intervention Data System to accept adjusted family income data submitted by early childhood intervention program providers and to require all providers to enter adjusted family income data into the system. The bill requires DARS to implement any considered changes that DARS determines will make the family cost share provisions of the early childhood intervention program more cost-effective, if the changes will not make access to early childhood intervention services cost prohibitive for families. The bill requires DARS, not later than December 1, 2014, to conduct the initial cost-effectiveness evaluation, to implement any changes resulting from that evaluation, and to submit a report to the governor and the LBB summarizing the results of the initial evaluation and explaining any changes that were implemented.

Codification - AASubchapter D, Chapter 117, Human Resources Code

Effective Date - September 1, 2013

14. **SB 1422** (West) *Relating to the use of digitized signatures for pleadings and orders in suits affecting the parent-child relationship.*

Summary - Senate Bill 1422 amends the Family Code to establish that a digitized signature on an original petition or any other pleading or order in a suit affecting the parent-child relationship satisfies the requirements for and imposes the duties of signatories to pleadings, motions, and other papers identified under Rule 13, Texas Rules of Civil Procedure.

Codification - AACChapter 101, Family Code, AACChapter 102, Family Code,

Effective Date - September 1, 2013

II. CHILD SUPPORT

1. **HB 847** (Lucio III) - *Relating to the enforcement of an order to pay child support by contempt and the awarding of costs and fees in certain proceedings.*

Summary - H.B. 847 bill establishes that a court, in hearing such a motion to enforce a final order in a SAPCR, is not precluded from awarding court costs and reasonable attorney's fees to the movant upon finding that the respondent is not in contempt with regard to the underlying order. This will allow attorney fees and cost to be awarded under where the Obligor pays past due obligations shortly before the hearing on contempt.

Codification- Family Code Sections 157.162(d) and (e)

Effective Date- September 1, 2013

2. **HB 1846** -(Carter) *Relating to suspension or denial of issuance or renewal of a license for failure to pay child support.*

Summary - House Bill 1846 amends the Family Code to prohibit a court or the office of the attorney general from staying a license suspension order for failure to pay child support based on an obligor's compliance with a reasonable payment schedule unless the obligor makes an immediate partial payment in an amount specified by the court or attorney general's office. The bill expands the conditions under which a licensing authority may accept an application for license issuance or renewal, after having received notice of the obligor's failure to pay child support for a certain period, to include notification that the obligor made an immediate payment toward the arrearages owed and established a satisfactory payment schedule for the remainder.

Codification - Section 232.008, Family Code; Section 232.0135(b), Family Code, Section 232.008(b-1), Family Code

Effective Date - September 1, 2013

3. **HB 3017** (Moody) - *Relating to determination of the amount of certain child support obligations.*

Summary - House Bill 3017 amends Family Code provisions relating to the calculation of net resources for the purpose of determining child support liability. The bill includes U.S. Department of Veterans Affairs disability benefits,

other than non-service-connected disability pension benefits, among the types of income considered resources. The bill authorizes a court, in determining whether an obligor is intentionally unemployed or underemployed, to consider evidence that the obligor is a veteran who is seeking or has been awarded either veteran disability benefits or non-service-connected disability pension benefits. The bill also updates language regarding the wage and salary presumption used in the absence of evidence of a party's resources.

Codification- Texas Family Code §§ 154.066, 154.068

Effective Date- September 1, 2013

4. **SB 355** (West) - *Relating to the powers and duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support and in connection with an application for a marriage license or protective order; authorizing a surcharge.*

Summary - S.B. 355 is intended for clarification and technical corrections of certain Family Code provisions as they relate to the duties and of the Title IV-D agency, otherwise known as the child support division of the Office of the Attorney General. This bill amends several sections of the Family Code related to marriage licenses, child support, protective orders, and administrative fines. Child support issues addressed include standards for modification of support orders, changes to collection provisions, conforming withholding procedures with federal standards, and clarifying the Title IV-D agency's role in agreements between the parties. Additionally, it addresses the need for the Title IV-D agency to be informed when a protective order is issued, provides for penalties to be assessed on employers who fail to comply with withholding requirements, and clarifies the designated court for Title IV-D cases.

Codification- Family Code Section 2.009(c)

Effective Date- September 1, 2013

5. **SB 355** (West) *Relating to the powers and duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support and in connection with an application for a marriage license or protective order; authorizing a surcharge.*

Summary - C.S.S.B. 355 is intended for clarification and technical corrections of certain Family Code provisions as they relate to the duties and responsibilities of the Title IV-D agency, otherwise known as the child support division of the Office of the Attorney General.

This bill amends several sections of the Family Code related to marriage licenses, child support, protective orders, and administrative fines. Child support issues addressed include standards for modification of support orders, changes to collection provisions, conforming withholding procedures with federal standards, and clarifying the Title IV-D agency's role in agreements between the parties. Additionally, it addresses the need for the Title IV-D agency to be informed when a protective order is issued, provides for penalties to be assessed on employers who fail to comply with withholding requirements, and clarifies the designated court for Title IV-D cases.

This bill makes technical corrections to current law without proposing any substantive new initiatives.

C.S.S.B. 355 amends current law relating to the powers and duties of the Title IV-D agency regarding the establishment, collection, and enforcement of child support and in connection with an application for a marriage license or protective order, and provides an administrative fine.

Codification - Subsection (c), Section 2.009, Family Code; Subsections (b) and (c), Section 2.014, Family Code; Section 82.004, Family Code; Subsection (a), Section 85.042, Family Code; Subsection (a-2), Section 156.401, Family Code; Section 158.106, Family Code; Section 158.203, Family Code; Subsection (e), Section 201.101, Family Code; Section 231.002, Family Code; Section 231.204, Family Code; Subsection (a), Section 232.0135, Family Code; Subsections (a) and (b), Section 233.013, Family Code; Section 233.019, Family Code; The heading to Section 233.027, Family Code; Subsections (a) and (c), Section 233.027, Family Code; Subsections (a), (b), and (c), Section 234.007, Family Code, Section 234.101, Family Code; Subsection (b), Section 233.027, Family Code,

Effective Date - September 1, 2013

6. **SB 423** (Nelson) *Relating to the flexible response system for investigations of child abuse or neglect reports by the Department of Family and Protective Services.*

Summary - Previous law required the Department of Family and Protective Services (DFPS) to establish a flexible response system to allow DFPS to screen out certain less serious cases of abuse and neglect and to administratively close those cases without providing services or making a referral to another entity for assistance. Senate Bill 423 amends the Family Code to require DFPS to conduct an alternative response to a report of abuse or neglect, as prescribed by the bill, if the report does not allege sexual abuse of a child, allege abuse or neglect that caused the death of a child, or indicate a risk of serious physical injury or immediate serious harm to a child. The bill establishes the circumstances under which DFPS is authorized to administratively close a reported case of abuse or

neglect without completing the investigation or alternative response and without providing services or making a referral to another entity for assistance and authorizes DFPS to implement the alternative response in one or more DFPS administrative regions before implementing the system statewide.

Codification - Section 261.3015, Family Code

Effective Date - September 1, 2013

III. FOSTER CARE

1. **HB 2111** *Relating to the transitional living services program for certain youth in foster care.*

Summary - House Bill 2111 amends the Family Code to require, rather than authorize, the experiential life-skills training for youth transitioning from foster care to independent living who are age 14 or older to include training in certain practical activities but requires training in the use of public transportation only when appropriate. The bill requires a person with whom the Department of Family and Protective Services (DFPS) contracts for transitional living services for foster youth to provide or assist youth in obtaining services that will assist youth in developing skills in food preparation and nutrition education that promotes healthy food choices. The bill requires an entity with which DFPS contracts for transitional living services for foster youth, when appropriate, to partner with a community-based organization to assist the entity in providing the transitional living services.

Codification - Section 264.121, Family Code

Effective Date - June 14, 2013

2. **SB 352** (West) - *Relating to visitation for certain children in the temporary managing conservatorship of the Department of Family and Protective Services.*

Summary- To ensure appropriate attachment and bonding for children who are in the temporary managing conservatorship of the Department of Family and Protective Services (DFPS), and for whom the permanency goal is to reunify them with their parents, frequent and quality visitation, initiated early after a child is removed, should take place. This bill provides for an initial visit between a child and parent within three days of DFPS being named temporary managing conservator, if DFPS has determined that reunification is the goal. The bill also calls for a visitation plan that allows the most visits between the child and each parent.

Codification- Texas Family Code §§ 262.115, 263.306(a); Texas Government Code § 411.114(a)(3).

Effective Date- September 1, 2013

3. **HB2111** (Strahma) *Relating to the transitional living services program for certain youth in foster care.*

Summary - House Bill 2111 amends the Family Code to require, rather than authorize, the experiential life-skills training for youth transitioning from foster care to independent living who are age 14 or older to include training in certain practical activities but requires training in the use of public transportation only when appropriate. The bill requires a person with whom the Department of Family and Protective Services (DFPS) contracts for transitional living services for foster youth to provide or assist youth in obtaining services that will assist youth in developing skills in food preparation and nutrition education that promotes healthy food choices. The bill requires an entity with which DFPS contracts for transitional living services for foster youth, when appropriate, to partner with a community-based organization to assist the entity in providing the transitional living services.

Codification – Section 264.121, Family Code

Effective Date – June 14, 2013

4. **SB 428** (Nelson) *Relating to background and criminal history checks for parents or other relatives of children in residential child-care facilities.*

Summary - Senate Bill 428 amends the Human Resources Code to exempt the director, owner, or operator of a residential child-care facility from the requirement to submit to the Department of Family and Protective Services (DFPS) information for use in conducting a background and criminal history check on a parent or other relative of a child who is a client in care at the facility if DFPS has on file for the parent or relative a background and criminal history check and the background and criminal history check was conducted within the two-year period preceding the date the parent or relative visits the client at the facility.

Codification - Section 42.056, Human Resources Code

Effective Date – September 1, 2013

5. **SB 502** (West) *Relating to placement of children with certain relatives or other designated caregivers.*

Summary - Senate Bill 502 amends the Family Code to require the Department of Family and Protective Services (DFPS), before placing a child for whom DFPS is appointed managing conservator with a proposed relative or other designated caregiver, to arrange a visit between the child and the proposed caregiver and to provide the proposed caregiver with a form, which may be the same form DFPS provides to nonrelative caregivers, containing information about the child that would enhance continuity of care for the child. The bill authorizes DFPS to waive the applicable requirement if the relative or other designated caregiver has a long-standing or significant relationship with the child and has provided care for the child at any time during the 12 months preceding the date of the proposed placement.

Senate Bill 502 specifies that the \$1,000 maximum one-time cash payment provided to a caregiver under a caregiver assistance agreement on the initial placement of a child or a sibling group applies to each child and sets the minimum payment for placement of a sibling group at \$1,000 for the group with a limit of \$1,000 for each child in the group.

Codification - AASubchapter I, Chapter 264, Family Code; Subsection (b), Section 264.755, Family Code

Effective Date - September 1, 2013

6. **SB 534** (West) *Relating to providing stable placement for certain children in the conservatorship of the Department of Family and Protective Services.*

Summary - Currently, during the period of time in which the Department of Family and Protective Services (DFPS) has temporary managing conservatorship of a child, the Family Code requires that permanency planning meetings occur when the child has been in custody for 45 days, and again at five months. There is no requirement for a planning meeting prior to the one-year mark at which a trial may occur and a final order can be designated. At this stage, parental rights may be terminated and permanent managing conservatorship can be given to a relative or the state. Permanency planning meetings are opportunities for various stakeholders in a child's case to come together to ensure appropriate goals and objectives are set and acted upon to achieve permanency for a child in foster care. Frequent meetings help to ensure that complex cases can be appropriately addressed in the limited time frames set by the state. By establishing timely

permanency planning meetings, the opportunity for timelier reunification or another permanent placement for children in foster care increases. To increase the likelihood of reunification for a child, C.S.S.B. 534 enhances the permanent planning meeting that currently occurs at the five-month mark. Additionally, the bill authorizes an additional staffing between the five-month meeting and the rendition of the final order if DFPS deems it important to the child's permanency.

Also, child placing agencies, which are currently not listed as a mandatory recipient of meeting notification, have valuable information on children and their cases and could contribute to the permanency planning process if they receive timely notification. More efficient notification of all professional stakeholders can be increased through the use of electronic notification versus traditional postal services. Because decreasing the amount of time a child spends in foster care provides great savings to the state, C.S.S.B. 534 requires that notification of permanency meetings be provided to child placing agencies involved with the child and other interested parties, and that it be done electronically if possible.

C.S.S.B. 534 amends current law relating to requiring permanency planning meetings for certain children in the conservatorship of the Department of Family and Protective Services.

Codification - AAThe heading to Chapter 263, Family Code; AASubchapter A, Chapter 263, Family Code; AASubsection (c), Section 263.502, Family Code; AASubchapter B, Chapter 264, Family Code

Effective Date - September 1, 2013

7. **SB 769** (Uresti) *Relating to the establishment of a pilot program to provide specialized training to foster parents of certain children.*

Summary - Senate Bill 769 amends the Family Code to require the Department of Family and Protective Services (DFPS) to establish a pilot program to provide specialized training by DFPS or another state agency to foster parents of children who have been traumatized or have serious mental health needs if such services can be provided using existing resources or if a local governmental entity or charitable organization is able to provide the training at no cost to the state. The bill requires DFPS to establish the pilot program in a county with a population of at least 1.5 million that is within 200 miles of the Texas-Mexico border, to coordinate the specialized training as part of community-based services and supports provided under a Wraparound individualized planning process for

foster children as prescribed by the Texas Integrated Funding Initiative Consortium, and to evaluate the pilot program not later than the second anniversary of the date the program is established. The bill sets out reporting requirements for DFPS regarding the pilot program.

Codification - AASubchapter B, Chapter 264, Family Code

Effective Date - September 1, 2013

8. **SB 771** (Uresti) *Relating to training for certain employees of the Department of Family and Protective Services.*

Summary - Senate Bill 771 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS) to develop and implement a training program that each employee who is newly hired or promoted to a management position in the child protective services division must complete before the employee begins serving in the management position. The bill requires the training program to be designed to assist the employee in developing certain skills to prepare the employee to assume management duties and authorizes DFPS to waive the training requirement for an employee who has completed another similar DFPS training program.

Codification - AASubchapter B, Chapter 40, Human Resources Code; AASection 40.037, Human Resources Code

Effective Date - January 1, 2014

9. **SB 833** (Davis) *Relating to the collection of data through the Public Education Information Management System (PEIMS) as to the foster care status of public school students.*

Summary- Senate Bill 833 amends the Education Code to require the Texas Education Agency (TEA) to collect data through the Public Education Information Management System (PEIMS) as to the foster care status of students in the manner established by commissioner of education rule in order to facilitate implementation of the requirement that TEA provide the Department of Family and Protective Services (DFPS) with aggregate information regarding educational outcomes of students who were in DFPS conservatorship following an adversarial hearing.

Codification- Education Code Section 7.029

Effective Date- June 14, 2013

10. **SB 886** (Uresti) *Relating to extended foster care for certain young adults and the extended jurisdiction of a court in a suit affecting the parent-child relationship involving those young adults.*

Summary - S.B. 886 addresses a recommendation by the Department of Family and Protective Services (DFPS) that clarifies provisions that allow Texas to receive federal reimbursement on behalf of young people between the ages of 18 and 21 who were permanently or temporarily placed under the care of DFPS and who elect to take advantage of extended foster care after turning 18 years of age. The current system allows young people who are in either the permanent managing conservatorship or temporary managing conservatorship of DFPS to enter into extended foster care after they turn 18 years of age, but does not provide for the extended jurisdiction of the court necessary to qualify for federal reimbursement for youths who were only in the temporary managing conservatorship of DFPS when they turned 18 years of age. Amendments will make all youths who remain in extended foster care eligible for federal reimbursement.

This bill also clarifies the status of trial independence, which is necessary for federal funding and is mandatory for a minimum of six months for all youths who exit extended foster care on or after turning 18 years of age. A youth may be in trial independence more than once if the youth exits care more than once. These clarifications also serve to ensure maximum federal reimbursement of the costs of youths who remain in extended foster care.

S.B. 886 also adds a provision stating that a young person who has been appointed a guardian is not in extended foster care, and is therefore not required to have the mandatory extended jurisdiction of the family law court after the probate court appoints a guardian and has jurisdiction over the young adult ward.

As proposed, S.B. 886 amends current law relating to extended foster care for certain young adults and the extended jurisdiction of a court in a suit affecting the parent-child relationship involving those young adults.

Codification - AASubdivisions (1), (3-a), and (4), Section 263.601, Family Code; AASubchapter G, Chapter 263, Family Code; AASubsections (a), (b), (f), and (g), Section 263.602, Family Code; AASubsections (a) and (b), Section 263.6021, Family Code; AASection 263.603, Family Code

Effective Date - September 1, 2013

11. **SB 1759** (Uresti) - *Relating to the procedures for the appointment of and the duties of attorneys ad litem in certain suits affecting the parent-child relationship.*

Summary - Currently, an attorney ad litem is provided only for indigent parents opposing termination of the parent-child relationship. S.B. 1759 extends protection of parental rights by providing an attorney ad litem for indigent

parents opposing the appointment of a conservator for a child. Additionally, this bill protects parental rights by requiring an attorney ad litem to be appointed to represent the interests of missing or unknown parents, who are often victims of violence themselves, and to attempt to locate them for the court. Finally, this bill requires that attorneys appointed to serve as an attorney ad litem to complete continuing legal education relating to the representation of a child in certain proceedings upon appointment and each year thereafter.

Codification- Texas Family Code § 107.004

Effective Date- September 1, 2013

IV. HEALTHCARE

1. **HB 15** (Kolkhorst) *Relating to level of care designations for hospitals that provide neonatal and maternal services.*

Summary - House Bill 15 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to assign level of care designations to each hospital based on the neonatal and maternal services provided at the hospital. The bill requires the executive commissioner, in consultation with the Department of State Health Services (DSHS) and not later than March 1, 2017, to adopt rules for assigning level of care designations and sets out requirements for establishing the designations, criteria to qualify for each designation, and the process of assigning designations. The bill requires HHSC to study patient transfers that are not medically necessary and authorizes the executive commissioner, if it is determined to be desirable and feasible, to adopt rules addressing transfers that are not medically necessary but would be cost-effective. The bill provides for the confidentiality and privileged nature of all information and materials submitted by a hospital to DSHS for purposes of the hospital's level of care designation and prohibits a DSHS summary or disclosure from containing certain identifying information. The bill sets out requirements regarding the assignment and review of level of care designations and a request from a hospital to change a designation. The bill makes a hospital that does not meet minimum requirements for any level of care designation for neonatal or maternal services ineligible for applicable Medicaid reimbursement except under certain circumstances. The bill establishes the Perinatal Advisory Council, composed of 17 members appointed by the executive commissioner, to develop designation criteria and assignment

processes and to make recommendations to the executive commissioner regarding level of care designations and neonatal and maternal outcomes. The bill sets out provisions relating to the operation and appointment of the council and subjects the council to provisions of the Texas Sunset Act. The bill establishes the dates by which a hospital must have a neonatal or maternal level of care designation as a condition of Medicaid reimbursement.

Codification - Chapter 241, Health and Safety Code,

Effective Date - September 1, 2013

2. **HB 729** (Price) - *Relating to access to criminal history record information by certain hospitals and other facilities.*

Summary - HB 729 expands the list of persons about whom certain health facilities or a private agency acting on behalf of such a health facility are entitled to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS to include a volunteer with the facility; an applicant for employment with or an employee of a person or business that contracts with the facility; a student enrolled in an educational program or course of study who is at the facility for educational purposes; and an employee of or applicant for employment at a home and community support services agency, regardless of the nature of the employment duties. The bill adds these health facilities to the noncriminal justice entities to which a criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure. The bill expands the list of persons about whom a public or nonprofit hospital or a hospital district is entitled to obtain criminal history record information from DPS to include a student enrolled in an educational program or course of study who is at the hospital or a hospital owned or operated by the district for educational purposes..

Codification- Texas Government Code §§ 411.081, 411.136, 411.1387; Texas Health and Safety Code § 250.002

Effective Date- June 14, 2013

3. **HB 915** (Kolkhorst) *Relating to the administration and monitoring of health care provided to foster children.*

Summary - Interested parties contend that foster children who are removed from their families because of abuse or neglect tend to be more mentally and behaviorally vulnerable than non-foster children. According to a government agency, foster children in Texas were prescribed medications at higher rates

than non-foster children enrolled in Medicaid. The agency reported that thousands of foster children were prescribed psychiatric medication at doses higher than the maximum levels cited in guidelines developed by the state based on those of the U.S. Food and Drug Administration. C.S.H.B. 915 seeks to strengthen oversight of psychotropic medication prescriptions for foster children to improve health outcomes for vulnerable children.

Codification – Section 107.002, Family Code; Section 107.003, Family Code, Section 263.001, Family Code; Section 263.306(a), Family Code; Section 263.503(a), Family Code; Section 264.121, Family Code; Section 266.001, Family Code; Section 266.004, Family Code; Chapter 266, Family Code; Section 266.005, Family Code; Section 266.007(a), Family Code; Chapter 266, Family Code; Section 533.0161(b), Government Code,

Effective Date – September 1, 2013

4. **HB 1605** (Davis) *Relating to the establishment of a pilot program in Harris County to provide maternity care management to certain women enrolled in the Medicaid managed care program.*

Summary - House Bill 1605 amends the Government Code to require the Health and Human Services Commission (HHSC) to develop and implement a pilot program in Harris County to create pregnancy medical homes that provide coordinated evidence-based maternity care management to women who reside in the pilot program area and are recipients of medical assistance through a Medicaid managed care model or arrangement under the Medicaid managed care program. The bill requires HHSC, in developing the pilot program, to ensure that each pregnancy medical home created for the program provides a maternity management team that consists of certain health care providers in a single location; that conducts a risk-classification assessment for each pilot program participant on entry into the program to determine whether her pregnancy is considered high-risk or low-risk; that establishes an individual pregnancy care plan for each participant based on such assessment; and that follows the participant throughout her pregnancy in order to reduce poor birth outcomes. The bill authorizes HHSC to incorporate financial incentives to health care providers who participate in a maternity management team as a component of the pilot program. The bill establishes reporting requirements for the program

and authorizes the executive commissioner of HHSC to adopt rules to implement the bill's provisions.

Codification – Subchapter B, Chapter 531, Government Code

Effective Date – September 1, 2013

5. **SB 7** (Nelson) *Relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term services and supports.*

Summary – C.S.S.B. 7 improves the coordination of Medicaid long-term care services and supports with acute care services, redesigns the long-term care services and supports system to more efficiently serve individuals with intellectual and developmental disabilities, and expands on quality-based payment initiatives to promote high-quality, efficient care throughout Medicaid.

C.S.S.B. 7 amends current law relating to improving the delivery and quality of certain health and human services, including the delivery and quality of Medicaid acute care services and long-term services and supports.

Codification - Subtitle I, Title 4, Government Code

Effective Date – June 14, 2013

6. **SB 62** (Nelson) *Relating to the vaccination against bacterial meningitis of entering students at public and private or independent institutions of higher education.*

Summary - Senate Bill 62 amends the Education Code to lower from 30 to 22 years of age the minimum age at which a student entering an institution of higher education or private or independent institution of higher education is exempt from providing certain evidence to the institution that the student has received a bacterial meningitis vaccine dose or booster within the required period of time. The bill requires the Department of State Health Services (DSHS) to develop and implement a secure, Internet-based process to be used exclusively at public junior colleges that elect to use the process to allow an entering student to apply online for an exemption from the bacterial meningitis vaccination requirement for reasons of conscience. The bill sets out requirements relating to the design of the Internet-based process and the exemption form to be used by students and requires DSHS to report to the legislature annually the number of exemption applications in the preceding academic year using the process. The bill establishes format and deadline requirements for an affidavit signed by a

student stating that the student declines the vaccination for bacterial meningitis for reasons of conscience.

Senate Bill 62 amends the Health and Safety Code to exempt a person claiming an exemption from a required immunization using the Internet-based process from certain affidavit requirements.

Codification - Section 51.9192, Education Code; Subsection (a), Section 161.0041, Health and Safety Code

Effective Date - June 14, 2013

7. **SB 63** (Nelson) *Relating to consent to the immunization of certain children.*

Summary - Senate Bill 63 amends the Family Code to authorize a child who is pregnant or is the parent of a child and has actual custody of the child to consent to the child's own immunization for a disease if the Centers for Disease Control and Prevention recommends or authorizes the initial dose of an immunization for that disease to be administered before seven years of age. The bill sets out provisions relating to such consent and authorizes a health care provider or facility to rely on the written statement of the child containing the grounds on which the child has capacity to consent to the child's immunization.

Codification - Subchapter B, Chapter 32, Family Code

Effective Date - June 14, 2013

8. **SB 64** (Nelson) *Relating to a policy on vaccine-preventable diseases for licensed child-care facilities.*

Summary - Senate Bill 64 amends the Human Resources Code to require each child-care facility, other than a facility that provides care in the home of the facility's director, owner, operator, or caretaker, to develop and implement a policy to protect the children in its care from vaccine-preventable diseases. The bill requires this policy to include requirements relating to vaccination of facility employees, compliance verification, recordkeeping, authorized disciplinary actions, prohibited discrimination or retaliatory actions, and procedures for exempting a facility or employee from vaccination requirements.

Codification - Subchapter C, Chapter 42, Human Resources Code

Effective Date - September 1, 2013

9. **SB 66** (Nelson) *Relating to studying the causes of and making recommendations for reducing child fatalities, including fatalities from the abuse and neglect of children.*

Summary - Senate Bill 66 amends the Family Code to include an emergency medical services provider and a provider of services to, or an advocate for, victims of family violence among the members of the child fatality review team committee. The bill removes requirements that the committee issue a report for each preventable child death and publish an annual compilation of the reports and instead requires the committee to publish a biennial report containing aggregated child fatality data collected by local child fatality review teams, recommendations to prevent child fatalities and injuries, and recommendations on child protective services operations based on input from the child safety review subcommittee. The bill requires a copy of the report to be submitted to the Department of State Health Services, in addition to other state agencies and officials, and requires a response to the committee's recommendations to be submitted October 1 of each even-numbered year.

Senate Bill 66 establishes the Protect Our Kids Commission to study the relationship between child protective services and child welfare services and the rate of child abuse and neglect fatalities. The bill sets out the commission's composition, additional duties, and reporting requirements.

Codification - Subsections (b) and (c), Section 264.502, Family Code; Subsection (f), Section 264.503, Family Code

Effective Date - September 1, 2013

10. **SB 126** (Nelson) *Relating to the creation of a mental health and substance abuse public reporting system.*

Summary - Senate Bill 126 amends the Health and Safety Code to require the Department of State Health Services (DSHS), in collaboration with the Health and Human Services Commission (HHSC), to establish and maintain a public reporting system of performance and outcome measures relating to mental health and substance abuse services established by the Legislative Budget Board, DSHS, and HHSC. The bill requires the system to allow external users to view and compare performance, outputs, and outcomes of community centers that provide mental health services, Medicaid managed care programs and pilot programs that provide mental health services, and agencies, organizations, and persons that contract with the state to provide substance abuse services. The bill establishes posting and public input requirements for DSHS and requires DSHS, to the extent possible, to include outcome measures that capture inpatient psychiatric care diversion, avoidance of emergency room use, criminal justice diversion, and the number of people served who are homeless. The bill requires HHSC to conduct a study to determine the feasibility of establishing and maintaining the public reporting system and to report the results of the study to the legislature and appropriate legislative committees.

Codification - Subchapter D, Chapter 1001, Health and Safety Code

Effective Date - September 1, 2013

11. **SB 127** (Nelson) *Relating to the creation of certain funding formulas and policies and to certain public health evaluations by the Department of State Health Services.*

Summary - Senate Bill 127 amends the Health and Safety Code to require the Department of State Health Services (DSHS), in collaboration with the Public Health Funding and Policy Committee, to develop funding formulas for federal and state funds appropriated to DSHS to be allocated to local health departments, local health units, public health districts, and health service regions' regional headquarters, based on population, population density, disease burden, social determinants of health, local efforts to prevent disease, and other relevant factors as determined by DSHS and the committee. The bill requires DSHS, in collaboration with the committee, to evaluate the feasibility and benefits of placing a cap on the percentage of public health funds that can be used on administrative costs at an applicable entity and to evaluate public health functions provided by DSHS and those entities to determine if another entity can provide those functions more effectively. The bill sets out reporting requirements for DSHS regarding the evaluations. The bill requires DSHS to create a policy to allow a local health department flexibility in the use of personnel and other resources during disaster response activities, outbreaks, and other appropriate public health threats.

Codification - Subchapter D, Chapter 1001, Health and Safety Code

Effective Date - September 1, 2013

12. **SB 152** (Nelson) *Relating to the protection and care of persons who are elderly or disabled or who are children.*

Summary - Specifically, C.S.S.B. 152 requires specialized training for state hospital employees on patient caregiving and how to recognize and report abuse; authorizes the Health and Human Service Commission's office of inspector general to investigate criminal offenses at state hospitals; allows the Department of State Health Services to require state hospital direct care workers to undergo federal background checks based on risk assessments; and requires professional boards to report cases of abuse, neglect, or exploitation.

C.S.S.B. 152 amends current law relating to the protection and care of persons who are elderly or disabled or who are children.

Codification - Subsection (b), Section 532.001, Health and Safety Code; Subchapter A, Chapter 552, Health and Safety Code; Chapter 552, Health and Safety Code; Section 261.101, Family Code, Subchapter F, Chapter 411,

Government Code; Subsection (c), Section 48.051, Human Resources Code;
Section 552.011, Health and Safety Code,
Effective Date – June 14, 2013

13. **SB 294** (Van de Putte) *Relating to extending a local behavioral health intervention pilot project.*

Summary - Senate Bill 294 amends the law to extend the Bexar County behavioral health intervention pilot project for children until September 1, 2023, and to require the local mental health authority involved in the pilot project to report biennially to the Department of State Health Services.

Codification - Subsections (f) and (j), Section 1, Chapter 356 (H.B. 1232),
Effective Date – May 14, 2013

14. **SB 348** (Schwertner) *Relating to a utilization review process for managed care organizations participating in the STAR + PLUS Medicaid managed care program.*

Summary - Senate Bill 348 amends the Government Code to require the Health and Human Services Commission's (HHSC) office of contract management to establish an annual utilization review process for managed care organizations participating in the STAR + PLUS Medicaid managed care program that includes, among other topics to be determined by HHSC, a thorough investigation of each managed care organization's procedures for determining whether a recipient should be enrolled in the STAR + PLUS home and community-based services and supports program. The bill specifies the process by which managed care organizations are to be reviewed by the office each fiscal year, but requires the office to use the newly established utilization review process to review each managed care organization participating in the STAR + PLUS Medicaid managed care program during the state fiscal biennium ending August 31, 2015. The bill requires HHSC, in conjunction with the office, to provide an annual report to the standing committees of the senate and house of representatives with jurisdiction over the Medicaid program regarding the utilization reviews and the efficiency of the program, the first of which must be provided not later than December 1, 2014. The bill prohibits a service provider who contracts with a managed care organization from being held liable for the good faith provision of services based on an authorization from the organization if a utilization review results in a determination to recoup money from the organization.

Codification - Subchapter A, Chapter 533, Government Code
Effective Date – June 14, 2013

15. **SB 353** (West) *Relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.*

Summary - Senate Bill 353 amends the Human Resources Code to specify that the exemption from the requirement that an emergency shelter facility providing shelter to certain minors obtain a license issued by the Department of Family and Protective Services to operate a child-care facility or child-placing agency applies to a facility, other than a facility that would otherwise require a license as a child-care facility, that provides shelter or care to a minor and the minor's child or children, if any. The bill conditions such an exemption on the facility being currently under a contract with a state or federal agency or meeting certain contract eligibility requirements for family violence centers.

Codification - Subsection (b), Section 42.041, Human Resources Code

Effective Date - May 25, 2013

16. **SB 427** (Nelson) *Relating to the regulation of certain child-care facilities and administrators of those facilities.*

Summary - S.B. 427 builds on the legislature's past initiatives to increase protections for children in licensed child-care facilities by closing the final loophole in child care background checks and allowing child-care licensing facilities to focus on high-risk providers.

Currently, child-care operations are required to be inspected annually and most individuals within the system are required to undergo Federal Bureau of Investigation fingerprint background checks. However, general residential operations are required to undergo only name-based checks.

As proposed, S.B. 427 amends current law relating to the regulation of certain child-care facilities and administrators of those facilities.

Codification - Subsection (b), Section 42.041, Human Resources Code; Section 42.044, Human Resources Code; Subsections (a-2), (a-4), (a-5), and (b-1), Section 42.056, Human Resources Code; Section 42.078, Human Resources Code; Section 43.001, Human Resources Code; Subsection (a), Section 43.003, Human Resources Code; Section 43.004, Human Resources Code; Subsection (a), Section 43.009, Human Resources Code; Subsection (a), Section 43.010, Human Resources Code

Effective Date - September 1, 2013

17. **SB 430** (Nelson) *Relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.*

Summary - Senate Bill 430 amends the Family Code to require the Department of Family and Protective Services (DFPS) to implement a process to verify that each foster parent or relative or designated caregiver who is seeking monetary assistance or additional support services from DFPS for day care for a foster child or other child, as applicable, has attempted to find appropriate day-care services for the child through community services. The bill requires DFPS to specify the documentation the foster parent or relative or designated caregiver must provide to DFPS to demonstrate compliance. The bill prohibits DFPS from providing monetary assistance or additional support services to the foster parent or relative or designated caregiver, as applicable, for the day care without the required verification, unless DFPS determines the verification would prevent an emergency placement that is in the child's best interest.

Codification - Subchapter B, Chapter 264, Family Code; Section 264.755, Family Code

Effective Date - September 1, 2013

18. **SB 495** (Huffman) *Relating to the creation of a task force to study maternal mortality and severe maternal morbidity.*

Summary - Senate Bill 495 amends the Health and Safety Code to create the Maternal Mortality and Morbidity Task Force as a multidisciplinary advisory committee within the Department of State Health Services (DSHS). The bill requires the task force to study and review cases of pregnancy-related deaths and trends in severe maternal morbidity, determine the feasibility of the task force studying cases of severe maternal morbidity, and make recommendations to help reduce the incidence of pregnancy-related deaths and severe maternal morbidity in Texas. The bill sets out provisions for the composition, operation, and administration of the task force and makes the task force subject to the Texas Sunset Act. The bill authorizes DSHS and the task force to consult with any relevant experts and stakeholders and, in gathering information, to consult with representatives of any relevant state professional associations and organizations. The bill authorizes DSHS on behalf of the task force to enter into agreements with institutions of higher education or other organizations.

Senate Bill 495 provides for the selection and review by the task force of cases of pregnancy-related deaths and severe maternal morbidity and for obtaining certain de-identified information relevant to a case under review. The bill provides for the confidentiality and privileged nature of information pertaining to a pregnancy-related death or severe maternal morbidity, specifies that such information or a task force work product is not subject to subpoena or discovery, and provides for the immunity of a task force member and certain persons who provide information, counsel, or services to the task force.

Senate Bill 495 authorizes DSHS to establish and maintain an electronic database to track cases of pregnancy-related deaths and severe maternal morbidity and prohibits information in the database from including identifying information. The bill exempts the disclosure of records pertaining to voluntary or therapeutic termination of pregnancy and prohibits those records from being collected, maintained, or disclosed under the bill's provisions. The bill sets out reporting requirements for DSHS and the task force and grants DSHS access to certain information that may include the identity of a patient to fulfill its duties under the bill's provisions.

Codification - Subtitle B, Title 2, Health and Safety Code

Effective Date - September 1, 2013

19. **SB 503** (West) *Relating to the establishment of the Expanded Learning Opportunities Council to study and make recommendations concerning expanded learning opportunities for public school students.*

Summary - Senate Bill 503 amends the Education Code to establish the Expanded Learning Opportunities Council to study issues concerning expanded learning opportunities for Texas public school students, which may be provided during an extended school day or an extended school year or through structured learning programs outside the regular school day, and to make recommendations to address those issues. The bill subjects the council to the Texas Sunset Act and abolishes the council effective September 1, 2017, unless it is continued in existence as provided by that act. The bill provides for the council's organization and requires the council to develop a comprehensive statewide action plan for the improvement of expanded learning opportunities for Texas public school students, including a timeline for plan implementation, and to submit a biennial written report concerning the plan's development and implementation to the legislature, the governor, and the Texas Education Agency.

Codification - Chapter 33, Education Code

Effective Date - June 14, 2013

20. **SB 646** (Deuell) *Relating to court-ordered outpatient mental health services.*

Summary - Assisted outpatient treatment (AOT) is court-ordered treatment (including medication) for individuals who have a history of medication noncompliance, as a condition of their remaining in the community. Texas is one of 44 states that permit AOT. Studies have supported its effectiveness in keeping the patient from returning to prison. In Texas, it has most commonly been used in Bexar and Dallas counties.

The Texas statute, which is located in Chapter 574 (Court-Ordered Mental Health Services), Health and Safety Code, that authorizes AOT contains a provision that the judge may "advise but not compel" a patient to comply with the program. This has had the effect of discouraging judges from using AOT as they think it bars them from ordering a person to take their medications. The intent of the law instead was to allow the order but not sanction them for violating the order. S.B. 646 will strike the two places in the law where the "advise but not compel" language is used. In addition, it clarifies that a person cannot be punished for non-compliance. It also makes provisions regarding non-compliance clearer. As proposed, S.B. 646 amends current law relating to court-ordered outpatient mental health services.

Codification - Subchapter A, Chapter 574, Health and Safety Code; Section 574.037, Health and Safety Code; Subsection (f), Section 574.061, Health and Safety Code; Subsection (b), Section 574.063, Health and Safety Code; Section 574.064, Health and Safety Code; Subsection (a), Section 574.065, Health and Safety Code; Section 574.102, Health and Safety Code; Subsection (b), Section 574.103, Health and Safety Code; Subchapter D, Chapter 1001, Health and Safety Code; Subsection (i), Section 574.034 and Subsection (j), Section 574.035, Health and Safety Code

Effective Date - September 1, 2013

21. **SB 651** (Rodriguez) *Relating to a medical power of attorney.*

Summary - Currently, a medical power of attorney document is not deemed to be valid unless it is signed in the presence of two competent adult witnesses. However, the current law fails to specify who is required to sign the power of attorney document. Further, the requirement limits the instances in which a signature can be deemed valid, despite the existence of verification measures such as notarization.

S.B. 651 clarifies current law by stating that the principal must sign the document in the presence of two competent witnesses in order for the document to be valid. In addition, S.B. 651 recognizes the principal's signature as valid if the signature is acknowledged by a notary public.

As proposed, S.B. 651 amends current law relating to a medical power of attorney.

Codification - Sections 166.163 and 166.164, Health and Safety Code; Section 166.165, Health and Safety Code,

Effective Date - June 14, 2013

22. **SB 718** (West) *Relating to voluntary and involuntary mental health services.*

Summary - Senate Bill 718 amends the Health and Safety Code to authorize certain persons to request admission for outpatient mental health services by filing a request with the administrator of the facility where admission is requested and to remove the authorization for a person younger than 16 years of age who is or has been married to make such a request. The bill sets out the conditions under which certain persons under the age of 18 may be involuntarily admitted to a mental health facility for inpatient or outpatient services and prohibits a person from transporting a patient to a mental health facility in another state for inpatient mental health services unless transportation to that facility is authorized by a court order.

Codification - The heading to Chapter 572, Health and Safety Code, Section 572.001, Health and Safety Code; Section 572.002, Health and Safety Code,

Effective Date - June 14, 2013

23. **SB 793** (Deuell) *Relating to newborn hearing screening.*

Summary - Previous law required the newborn hearing screening required to be performed by a birthing facility through a program certified by the Department of State Health Services (DSHS) to be performed directly or through a transfer agreement. Senate Bill 793 amends the Health and Safety Code to require the screening to be performed either directly or through a referral to another program certified by DSHS. The bill includes among the exceptions to the screening requirement that the newborn was discharged from the birthing facility not more than 10 hours after birth and a referral for the newborn was made to a DSHS-certified program at another birthing facility or operated by a physician or health care provider.

Codification- Subsection (a), Section 47.003, Health and Safety Code

Effective Date - June 14, 2013

24. **SB 853** (Taylor) *Relating to notice of a premium increase for certain health insurance policies.*

Summary - State law requires an insurer, not less than 60 days before the date on which a premium rate increase takes effect on an individual accident and health insurance policy, to give written notice to the insured of the effective date of the increase and provide the insured a table that lists certain information relating to the amount of the increase. Senate Bill 853 amends the Insurance Code to limit this requirement to a policy that provides major medical expense coverage.

Codification - The heading to Section 1201.109, Insurance Code, Section 1201.109, Insurance Code

Effective Date – June 14, 2013

25. **SB 944** (Nelson) *Relating to criminal history record checks for certain employees of facilities licensed by the Department of State Health Services.*

Summary - Senate Bill 944 amends provisions of the Health and Safety Code relating to the nurse aide registry and criminal history checks of employees and applicants for employment in certain facilities serving the elderly, persons with disabilities, or persons with terminal illnesses to expand the definition of "facility" to include a mental health service unit of a hospital licensed under the Texas Hospital Licensing Law.

Codification - Subdivision (3), Section 250.001, Health and Safety Code

Effective Date – June 14, 2013

26. **SB 1185** (Huffman) *Relating to the creation of a mental health jail diversion pilot program.*

Summary - Senate Bill 1185 amends the Health and Safety Code to require the Department of State Health Services (DSHS), in cooperation with the county judge of Harris County, to establish a pilot program in Harris County to be implemented by the county judge through a criminal justice mental health service model oriented toward reducing recidivism and the frequency of arrests and incarceration among persons with mental illness in the Harris County jail. The bill sets out requirements for the model.

Senate Bill 1185 requires the county judge, in implementing the program, to ensure the program has the resources to provide mental health jail diversion services to not fewer than 200 individuals and to endeavor to serve not fewer than 500 or more than 600 individuals cumulatively each year the program operates. The bill requires DSHS and the county judge to jointly establish clear criteria for identifying a target population to be served by the program and requires the criteria to prioritize serving those with the highest risks of recidivism and the most severe mental illnesses.

Senate Bill 1185 conditions the creation of the pilot program on the commissioners court's continuing agreement to contribute to the program each year in which the program operates services for persons with mental illness equivalent in value to funding provided by the state for the program. The bill also authorizes DSHS to conduct inspections to ensure state funds appropriated for the program are used effectively. The bill requires the commissioner of DSHS to evaluate the pilot program and submit a report concerning the effect of the pilot program in reducing recidivism and the frequency of arrests and incarceration among persons with mental illness in Harris County to the

governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services issues and over criminal justice issues.

Codification - Subtitle C, Title 7, Health and Safety Code

Effective Date - June 14, 2013

27. **SB 1191** (Davis) *Relating to the duties of health care facilities, health care providers, and the Department of State Health Services with respect to care provided to a sexual assault survivor in an emergency department of a health care facility.*

Summary - Senate Bill 1191 amends the Health and Safety Code to prohibit a person from performing a forensic examination on a sexual assault survivor unless the person has at least basic sexual assault forensic evidence collection training or the equivalent education, which includes approved continuing medical or nursing education courses. The bill requires each health care facility that has an emergency department that is not designated in a community-wide plan as the community's primary health care facility for treating sexual assault survivors to develop a plan to train personnel on sexual assault forensic evidence collection. The bill requires such a facility to inform a sexual assault survivor that the facility is not the community's designated facility, to provide to the survivor the name and location of the designated facility, and to inform the survivor that the survivor is entitled to receive the care required to be provided to the survivor at the current facility or to be stabilized and transferred to and receive such care at the community's designated facility. The bill prescribes stabilization and transfer procedures for a sexual assault survivor who chooses to be transferred and specifies that each health care facility that has an emergency department must comply with statutory provisions relating to minimum standards for emergency services provided to survivors of sexual assault.

Senate Bill 1191 establishes that statutory provisions relating to emergency services for survivors of sexual assault do not affect participating entities of children's advocacy centers or the working protocols set forth by their multidisciplinary teams to ensure access to specialized medical assessments for sexual assault survivors who are minors and requires the Department of State Health Services to post on its Internet website a list of all hospitals that are designated in a community-wide plan as the primary health care facility in the community for treating sexual assault survivors.

Codification - Subsection (a), Section 323.002, Health and Safety Code; Section 323.004, Health and Safety Code; Chapter 323, Health and Safety Code; Chapter 323, Health and Safety Code

Effective Date - September 1, 2013

28. **SB 1235** (West) *Relating to guardianships, including assessments for and provision of guardianship services by the Department of Aging and Disability Services.*

Summary - Senate Bill 1235 amends the Finance Code, effective September 1, 2013, to exempt a financial institution from being required or authorized to give a customer notice of a record request from or report to a government agency arising out of an assessment for or provision of guardianship services by the Department of Aging and Disability Services.

Senate Bill 1235 amends the Estates Code, effective January 1, 2014, to revise the information required to be presented to the court before an application for guardianship may be granted on the basis of a proposed ward's alleged incapacity.

Codification - AASubsection (a), Section 59.006, Finance Code; AASection 1101.104, Estates Code

Effective Date - June 14, 2013

29. **SB 1236** (West) *Relating to the extension of an emergency order for protective services for certain persons who are elderly or have disabilities.*

Summary - Senate Bill 1236 amends the Human Resources Code to authorize a probate or statutory or constitutional county court with probate jurisdiction over an elderly or disabled person under an emergency order for protective services, after notice and a hearing, to extend the order for a period of not more than 30 days after the date the original order would have expired, rather than the date the original order was rendered, and to specify that such authorization does not apply to an order that terminated because of a physician's opinion in a medical report of an assessment of the elderly or disabled person's health status.

Codification - AASubsection (e-2), Section 48.208, Human Resources Code

Effective Date - June 14, 2013

30. **SB 1332** (Duncan) *Relating to who is an employee for large and small employers for health benefit plans.*

Summary - The Health Insurance Portability and Availability Act defines an "eligible employee" as an employee who works on a full-time basis and who usually works at least 30 hours a week. Under previous law, the determination of whether an employer was a small employer or large employer for purposes relating to health benefit plans was made based on the number of eligible employees of the employer. Senate Bill 1332 amends the Insurance Code to

instead provide for that determination to be based on the total number of employees of the employer.

Codification - AASubdivisions (8), (13), and (14), Section 1501.002, Insurance Code; AASubsection (a), Section 1501.009, Insurance Code; AASubsections (a) and (b), Section 1501.011, Insurance Code

Effective Date - September 1, 2013

31. **SB 1542** (Van de Putte) *Relating to clinical initiatives to improve the quality of care and cost-effectiveness of the Medicaid program.*

Summary - Senate Bill 1542 amends the Government Code to require the Health and Human Services Commission (HHSC) to develop and implement a quality improvement process by which HHSC receives suggestions for clinical initiatives designed to improve the quality of care provided under the Medicaid program and the cost-effectiveness of the Medicaid program, conducts a preliminary review of each suggestion to determine whether the suggestion warrants further consideration and analysis, and conducts an analysis of clinical initiative suggestions that are selected for such analysis and of required clinical initiatives. The bill specifies the state officials and entities from which HHSC is required to solicit and accept suggestions for clinical initiatives and the types of initiatives for which HHSC may not accept a suggestion and on which HHSC is required to conduct an analysis and issue a final report. The bill establishes minimum requirements for the evaluation process for submission, preliminary review, analysis, and approval of a clinical initiative, specifies the elements required to be included in the analysis of a clinical initiative, and requires HHSC to prepare a final report based on the analysis of a clinical initiative. The bill establishes requirements for HHSC to maintain an Internet website related to the quality improvement process and provides for the implementation of a clinical initiative on the basis of HHSC analysis.

Codification - AASubtitle I, Title 4, Government Code

Effective Date - June 14, 2013

32. **SB 1623** (Hinojosa) *Relating to the creation and operations of health care funding districts in certain counties located on the Texas-Mexico border.*

Summary - S.B. 1623 amends Chapter 288 (Health Care Funding Districts in Certain Counties Located on Texas-Mexico Border That Are Adjacent to Counties With Population of 50,000 or More), Health & Safety Code, to allow more local control over funding for health care services on the Texas-Mexico border by allowing counties to create a Local Provider Participation Fund. H.B. 2463, 79th Legislature, Regular Session, 2005, created health districts to support the local health care safety-net in certain counties along the Texas-Mexico border.

Although the districts were created, they were never fully developed due to a lack of support from the Centers for Medicare & Medicaid Services (CMS). S.B. 1623 addresses CMS concerns to allow the districts to become fully operational. These health districts are critical to South Texas because of the lack of funding for health care services along the border region.

South Texas has 11 hospitals between Eagle Pass and Brownsville (nearly 400 miles). Unlike other regions in the state, all 11 hospitals in the two South Texas Regional Health Partnerships (RHPs) were designated “Major Safety-Net Hospitals” as defined by the Health and Human Services Commission in the 1115 Transformation Waiver.

Codification - AASubdivisions (2) and (3), Section 288.001, Health and Safety Code; AASection 288.002, Health and Safety Code; AASubchapter A, Chapter 288, Health and Safety Code; AAThe heading to Section 288.051, Health and Safety Code; AASection 288.051, Health and Safety Code; AASection 288.101, Health and Safety Code; AASection 288.102, Health and Safety Code; AASubsection (a), Section 288.104, Health and Safety Code; AASection 288.151, Health and Safety Code; AASubsection (b), Section 288.154, Health and Safety Code; AASubchapter D, Chapter 288, Health and Safety Code; AAThe heading to Subchapter E, Chapter 288, Health and Safety Code; AASection 288.201, Health and Safety Code; AASection 288.202, Health and Safety Code; AASection 288.204, Health and Safety Code; AASection 288.205, Health and Safety Code,
Effective Date – June 14, 2013

33. **SB 1803** (Huffman) *Relating to investigations of and payment holds relating to allegations of fraud or abuse and investigations of and hearings on overpayments and other amounts owed by providers in connection with the Medicaid program or other health and human services programs.*

Summary – S.B. 8, 83rd Legislature, Regular Session, 2013, enhances the state's ability to detect and prevent fraud, waste, and abuse in Medicaid and across the health and human services system. In light of this legislation, concerns have been expressed from physicians, physicians groups and other medical providers throughout the state that there is not proper due process in place when the Health and Human Services Commission's Office of Inspector General (OIG) suspects and accuses a provider of Medicaid fraud or abuse. Concerns with the transparency in the process have also been raised as well as conflict of interest in Medicaid overpayment hearings.

The OIG imposes payment holds for various reasons, but recent concerns have arisen out of payment suspensions due to a credible allegation of fraud. This type of payment hold is required by the Patient Protection and Affordable Care Act

and the federal regulations promulgated to enforce it (42 CFR §455.23). The OIG is required under federal law to suspend a provider's Medicaid payments when the OIG receives a credible allegation of fraud against the provider. If the OIG receives a credible allegation of fraud and does not place the provider on payment hold, the federal government will discontinue its matching funds, leaving the state fully liable for any additional Medicaid payments to that provider.

S.B. 1803 takes numerous steps to improve due process, transparency, and the expediency of the OIG's process when a provider is accused of a credible allegation of fraud or Medicaid overpayment. In an effort to do this, S.B. 1803 includes a provision relating to the preliminary finding of fraud, defines "credible allegation of fraud," and provides steps for better transparency in the process by requiring the OIG to provide detailed information and material on its processes and findings both to providers and to the public.

As proposed, S.B. 1803 amends current law relating to the Office of the Inspector General.

Codification - AASection 531.1011, Government Code, AASection 531.102, Government Code, AASubchapter C, Chapter 531, Government Code, AASubsections (b) and (c), Section 32.0291, Human Resources Code, AASubsection (d), Section 32.0291, Human Resources Code

Effective Date - September 1, 2013

V. PROBATE

1. **HB 243** (Menendez) *Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.*

Summary - House Bill 243 amends the Health and Safety Code to authorize a community center to sell real property acquired by the center solely through a gift or grant of money or real property from a private entity without the approval of the Department of State Health Services or any local agency that appoints members to the board of trustees of the community center. The bill requires a community center that acquires real property by gift or grant to notify the private entity providing the gift or grant that the center may subsequently sell the real property as provided by the bill. The bill requires such real property to be sold for the property's fair market value except under certain circumstances. The bill sets out notification requirements for a center that intends to enter into a binding obligation to sell real property and requires the board of

trustees to adopt rules relating to the notification process. The bill authorizes a community center to use proceeds received from a sale of such real property only for certain authorized purposes.

Codification – Subchapter A, Chapter 534, Health and Safety Code

Effective – June 14, 2013

2. **HB 789** (King, Phil) - *Relating to the allowance in lieu of exempt property in the administration of a decedent's estate.*

Summary - House Bill 789 amends the Texas Probate Code to raise the cap on the allowance in lieu of a homestead and the cap on the allowance for other exempted property to be paid in the administration of a decedent's estate to the decedent's surviving spouse and children. The bill makes this provision effective September 1, 2013.

House Bill 789 amends the Estates Code, as effective January 1, 2014, to incorporate in that code the bill's provision amending the Texas Probate Code. The bill makes this provision effective January 1, 2014 or a hospital owned or operated by the district for educational purposes.

Codification- Texas Probate Code §273; Texas Estates Code §353.053

Effective Date- See above

3. **HB 2621** (Creighton) *Relating to disclaimers of estate property by certain beneficiaries.*

Summary - House Bill 2621 amends the Estates Code, as effective January 1, 2014, to establish that a disclaimer made by a beneficiary who is a child support obligor of estate property that could be applied to satisfy the beneficiary's child support obligation is not effective if the beneficiary owes child support arrearages that have been administratively determined by the office of the attorney general in a child support case or that have been confirmed and reduced to judgment. The bill authorizes the child support obligee to whom the arrearages are owed, after distribution of estate property to such a beneficiary, to enforce the child support obligation by a lien or by any other remedy provided by law. The bill also requires a disclaimer of estate property receivable by a beneficiary to include a statement regarding whether the beneficiary is a child support obligor described by the bill's provisions.

Codification – Section 122.051, Estates Code; Subchapter C, Chapter 122, Estates Code

Effective Date – January 1, 2014

4. **HB 2673** (Price) *Relating to the protection and care of individuals with intellectual and developmental disabilities.*

Summary – Certain health and human services agencies are required to run criminal history checks for employees and volunteers who will be placed in direct contact with a resident or client of certain residential facilities providing services to persons with certain disabilities. However, this type of check is not required for contract employees who have direct contact with such a resident or client.

Current law requires the state to contract with a patient safety organization certified in accordance with certain federal regulations to conduct independent mortality reviews for certain persons with intellectual or developmental disabilities. While the law requires such a review for the death of a person with an intellectual disability who, at the time of the person's death, was in or received services from an intermediate care facility for individuals with intellectual or developmental disabilities (ICF/IID) or the ICF/IID component of the Rio Grande State Center or who received services from a provider that received residential assistance through a Section 1915(c) waiver program serving individuals who are eligible for ICF/IID services, interested parties assert that reviews are being conducted only at state supported living centers and that the current organization conducting the reviews does not intend to pursue renewal of its contract.

The parties contend that, although the legislation that created the mortality review system was intended to create a robust and useful process that encompasses all residential providers of services to individuals with intellectual and developmental disabilities that would allow lawmakers, agency staff, private providers, advocacy groups, and others to compare the mortality in all settings across the state and to assist in improving overall health care services in all settings, this intent is not being fulfilled because of federal statutory limitations on the roles and responsibilities of a patient safety

organization. C.S.H.B. 2673 seeks to address these issues to improve the services provided to and further ensure the safety of persons with intellectual and developmental disabilities in Texas.

Codification – Sections 411.1144(a) and (d), Government Code; Subchapter U, Chapter 531, Government Code; Sections 531.851(a), (c), (d), and (e), Government Code; Section 531.852, Government Code; Section 531.853, Government Code; Section 531.854, Government Code; Section 531.855, Government Code; Section 555.021, Health and Safety Code; Section 252.134, Health and Safety Code; Section 531.851, Government Code

Effective Date – June 14, 2013

5. **HB 2912** (Thompson, Senfronia) - *Relating to decedents' estates.*

Summary- this bill provides updates to probate, guardianship, and trust law, including heirship changes, new requirements for self-proving affidavits, power of sale for personal property, new guidelines for removing an independent executor, and adverse possession requirements for co-tenant heirs. These changes are numerous but very few can be considered significant

Codification- Texas Government Code §§ 2306.0504, 2306.6717, 2306.6719

Effective Date- January 1, 2014

6. **HB 2913** (Thompson, Senfronia) - *Relating to decedents' estates.*

Summary- this bill provides updates to trust law; changes include an updated definition of property, appointment of trusts, and title coverage. Each of these updates are intended to clean up the current law regarding trusts.

Codification- Texas Property Code Ch. 112 and 115; Texas Tax Code § 152.025

Effective Date- September 1, 2014

7. **HB 2918** (Thompson, Senfronia) - *Relating to statutory durable powers of attorney.*

Summary- House Bill 2918 amends the Estates Code to modify the statutory durable power of attorney form. The bill adds language to the form

recommending that the principal select a trusted person to serve as the principal's agent and specifying the general duration of an agent's authority. The bill requires the principal to affirmatively designate on the form the powers the principal wants to grant to the agent, rather than presumptively granting all general powers to the agent unless the principal affirmatively removes certain powers. The bill revises form provisions regarding special instructions applicable to gifts and sets out as part of the form certain important information for an agent relating to the agent's duties, termination of the agent's authority, and the liability of the agent.

Codification- Texas Estates Code §§ 752.051, 752.002

Effective Date- January 1, 2014

HOUSING, ENVIRONMENT & TRANSPORTATION

1. **HB 200** (Murphy/Thompson, Senfronia/Smith/Coleman/Davis, Sarah) - *Relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.*

Summary - House Bill 200 adds a provision to the Civil Practice and Remedies Code authorizing an electric utility in a county with a population of four million or more, as the owner, easement holder, occupant, or lessee of land, to enter into a written agreement with a political subdivision to allow public access to and use of the utility's premises for recreation, exercise, relaxation, travel, or pleasure. The bill specifies the duties owed under such an agreement and establishes certain limitations on the utility's liability in a cause of action resulting from such access or use. The bill provides that the doctrine of attractive nuisance does not apply to a suit under this provision and that the utility is liable for certain damages caused by the utility's willful or wanton acts or gross negligence with respect to a dangerous condition existing on the premises. The bill also authorizes an appeal of an interlocutory order denying a utility's summary judgment motion in such a suit and makes statutory provisions relating to the limited liability of certain electric utilities, as defined by the Public Utility Regulatory Act, inapplicable to such an electric utility located in a municipal management district in a municipality of more than 1.9 million.

Codification- Texas Civil Practice and Remedies Code Ch. 75 and §§ 51.014(a)

Effective Date- May 16, 2013

2. **HB 424** (Burkett) *Relating to the sex offender status of a person who becomes a resident of certain group home facilities.*

Summary - House Bill 424 amends the Health and Safety Code to require a director of a group home, as soon as practicable after a person requests to live at a group home or is assigned to live at a group home as a condition of community supervision or as a condition of release on parole or to mandatory supervision, to ascertain whether the person is registered in the sex offender registration program and, not later than the third day after the date a person who is registered in the program becomes a resident of the group home, to provide notice that the person is a sex offender to the legal guardian of each current resident who has a legal guardian and directly to each other resident. The bill specifies that a group home or its director is not liable under any law for damages arising from conduct required under the bill's provisions and establishes requirements for a director to ascertain whether any resident of the group home is registered in the program and to provide notice of a person who is registered in the program to the legal guardian of each current resident who has a legal guardian and directly to each other resident. The bill's provisions do not apply to a group home that accepts or is assigned only residents who are sex offenders required to register under the sex offender registration program if the residents receive treatment at the group home from a licensed sex offender treatment provider.

Codification - Subtitle G, Title 4, Health and Safety Code,

Effective Date - September 1, 2013

3. **HB 789** (King, Phil) - *Relating to eligibility to serve on the appraisal review board of an appraisal district.*

Summary- Under current law, an individual becomes permanently ineligible to serve on the appraisal review board of an appraisal district established for a county having a population of 100,000 or more once the person has served for all or part of three previous terms as either a member or auxiliary member of that board. House Bill 326 amends the Tax Code to remove that condition of ineligibility for service on such an appraisal review board and instead make a person who has served all or part of three consecutive terms as a board member on such an appraisal review board ineligible only for service on that board during a term that begins on the next January 1 following the third of those consecutive terms.

Codification- Texas Tax Code § 6.412

Effective Date- June 14, 2013

4. **HB 1086** (Rodriguez) *Relating to interruption of electric service by a residential landlord.*

Summary – A residential landlord is currently prohibited from interrupting electric service to a tenant unless the interruption results from bona fide repairs, emergencies, or construction. That prohibition does not take into account a case in which a rental property resident directly pays the landlord for electricity and the resident fails to pay an electric bill issued by the landlord. Interested parties contend that the only option for such a landlord is to seek eviction of the resident, which can be costly and time-consuming. C.S.H.B. 1086 seeks to address this situation by establishing a process through which a residential landlord may interrupt a resident's electric service for nonpayment of an electric bill.

Codification - Section 92.008, Property Code,

Effective Date – September 1, 2013

5. **HB1818** (Anchia) *Relating to low income housing tax credits awarded to at-risk developments.*

Summary - House Bill 1888 amends the Government Code to expand the definition of "at-risk development" for purposes of the low income housing tax credit program of the Texas Department of Housing and Community Affairs (TDHCA) to include a development that proposes to rehabilitate or reconstruct housing units that are owned by a public housing authority and receive assistance under Section 9 of the United States Housing Act of 1937 or that received such assistance and either are proposed to be disposed of or demolished by a public housing authority or have been disposed of or demolished by such an authority in the two-year period preceding the application for housing tax credits.

House Bill 1888 specifies that such an at-risk development is eligible for housing tax credits set aside by the TDHCA if a portion of the public housing operating subsidy received from the TDHCA is retained for the development and a portion of the development's units is reserved for public housing as specified in the qualified housing plan.

Codification – Sections 12.109(b) and (d), Parks and Wildlife Code; Section 12.110(d), Parks and Wildlife Code; Section 12.1101, Parks and Wildlife Code;

Section 65.009, Parks and Wildlife Code; Section 65.009(c), Parks and Wildlife Code

Effective Date – September 1, 2013

6. **HB 3361** (Dutton) - *Relating to the continuation and functions of the Texas Department of Housing and Community Affairs; authorizing and otherwise affecting the application of certain fees.*

Summary- The Legislature created the Texas Department of Housing and Community Affairs (Department) in 1991 by merging the Texas Department of Community Affairs and the Texas Housing Agency. The Department's main functions include assisting low- and moderate-income Texans to obtain affordable housing by awarding federal funds, state funds, and tax credits; assisting low-income Texans to obtain community-based support services, including services to address homelessness, foreclosure, high utility costs, home weatherization, and other concerns; acting as an information clearinghouse on affordable housing resources; and regulating the manufactured housing industry. The Department underwent Sunset review in 2011, but the agency's Sunset bill was vetoed. The Commission was continued for two years and under the Sunset Act to be abolished on September 1, 2013, unless continued by the Legislature. Based on its re-examination of the agency, the Sunset Commission concluded that the State has a continuing need for the Department, but identified areas for improvement that are addressed in this legislation which:

- *Continues the Texas Department of Housing and Community Affairs for 12 years.*
- Clarifies the Department's ability to refer penalty appeals hearings to the State Office of Administrative Hearings.
- Requires judicial review of appeals of the Department's decisions to be based on the substantial evidence rule.
- Authorizes the Department to use debarment as a sanction and protection in all its programs.
- Changes the basis for quantifying a community's participation in a proposed tax credit development to the receipt of a voted resolution from the local city council or county commissioners court.
- Maintains letters from neighborhood organizations as statutorily prioritized, but moves them from second to last on the list of criteria used to score and rank tax credit applications.
- Eliminates the priority for letters from state senators and representatives in the scoring of low-income housing tax credit applications.
- Allows the Department to create additional tax credit allocation cycles to take advantage of non-standard federal assistance opportunities.

- Authorizes Manufactured Housing Division staff to administratively dismiss baseless and non-jurisdictional manufactured housing complaints and report these actions to the Division's director and Board.
- Applies the standard Sunset across-the-board requirement for the Manufactured Housing Division to develop a policy regarding negotiated rulemaking and alternative dispute resolution.
- Eliminates manufactured housing branch and rebuilder licenses from statute.
- Authorizes the Division to establish a fee for reprinted manufactured housing licenses.
- Requires the Department to conduct a fingerprint-based criminal background check of all manufactured housing licensees.
- Authorizes the Division to order direct refunds as part of the manufactured housing complaint settlement process.
- Grants cease-and-desist authority to the Division for unlicensed construction, sale, and installation of manufactured homes.
- Abolishes three unnecessary reporting requirements.

The rules of the Low Income Housing Tax Credit program were affected by several other bills:

- HB 429: Tweaks definition of rural by deleting one definition of rural for TDHCA programs, and grandfathering the existing 515 projects so they can continue to apply under the USDA set-aside for tax credits regardless of location.
- HB 1888: Expands at-risk set-aside to include public housing authority properties.
- SB 659: Allows debarment under tax credit program.
- SB 193: Tweaking audit requirements for low income housing tax exemption.

Codification- Texas Government Code §§ 2306.255, 2306.560, 2306.6710

Effective Date- September 1, 2013

7. **SB 146** (Williams) *Relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.*

Summary - Senate Bill 146 amends the Government Code to entitle a public institution of higher education to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a student, or to an applicant for admission as a student, who applies for on-campus housing at the institution. The bill limits the use of the information by the institution's chief of police or housing office to the purpose of evaluating current students or applicants for enrollment who apply for on-campus housing

and requires the institution to notify a student of any use of the information to deny the student the opportunity to live in on-campus housing. The bill prohibits the release or disclosure of the information except on court order or with the consent of the person who is the subject of the information. The bill requires all criminal history record information obtained about a person to be destroyed by the institution's chief of police or housing office, as applicable, as soon as practicable after the beginning of the academic period for which the person's housing application was submitted.

Codification - AASubchapter F, Chapter 411, Government Code

Effective Date - September 1, 2013

8. **SB 286** (Hinojosa) *Relating to a home loan program operated by the Texas State Affordable Housing Corporation.*

Summary -The Professional Educators Home Loan Program was originally created in 2001, by the 77th Legislature, for full-time public school teachers (H.B. 3451 by Gallego). The 78th Legislature expanded the program to include full-time public school teacher aides, librarians, counselors and nurses (S.B. 284 by Lucio). Further changes were made during the 80th Legislature, which expanded the program to include nursing and allied health program faculty (S.B. 1185 by Nelson). Senator Nelson's bill combined the previously created Professional Nursing Faculty Member home loan program into the Professional Educators home loan program. This program expired in September 2012.

The Fire Fighter and Police Officer Home Loan Program was originally created in 2003 by the 78th Legislature, for firefighters and police officers (H.B. 1247 by Ritter). In 2005, during the 79th Legislature, the program was expanded to include corrections officers, county jailers, and public security officers and the program name was changed to the Fire Fighter and Law Enforcement or Security Officer Home Loan Program (H.B. 1007 by Ritter). During the 80th Legislature, the program was expanded to include emergency medical services personnel and the program name was changed to the Fire Fighter, Law Enforcement or Security Officer, and Emergency Medical Services Personnel Home Loan Program. (H.B. 618 by Bonnen).

This bill adds professions previously included in the Professional Educators Home Loan Program to the Fire Fighter, Law Enforcement or Security Officer, and Emergency Medical Services Personnel Home Loan Program and changes the program name to the Homes for Texas Heroes Home Loan Program. The bill also eliminates the end date of the program and ties the reauthorization of the program to the Sunset date.

As proposed, S.B. 286 amends current law relating to a home loan program operated by the Texas State Affordable Housing Corporation.

Codification - AASubsection (b), Section 1372.025, Government Code; AASubsections (a) and (b), Section 2306.553, Government Code; AASubsection (a), Section 2306.5621, Government Code; AASubsections (b), (c), (d), (f), (h), and (h-1), Section 2306.5621, Government Code

Effective Date - September 1, 2013

9. **SB 630** (Carona) *Relating to certain obligations of and limitations on residential landlords.*

Summary - Senate Bill 630 amends the Property Code to require a residential landlord, not later than the third business day after the date a lease is signed by each party, to provide at least one complete copy of the lease to at least one tenant who is a party to the lease. If more than one tenant is a party to the lease, the landlord, within three business days after receiving a written request for a copy of the lease from a tenant who has not yet received a copy, must provide one complete copy of the lease to the requesting tenant. A landlord's failure to provide a copy of the lease as required does not invalidate the lease or prevent the landlord from prosecuting or defending a legal action or proceeding to enforce the lease, but the landlord is prohibited from prosecuting such an action, other than an action for nonpayment of rent, until the landlord provides to the tenant a complete copy of the lease. If the tenant submits to the court evidence of the landlord's failure to comply, the court must abate the action until the landlord provides the lease to the tenant.

Senate Bill 630 prohibits a residential landlord from taking certain retaliatory actions against a tenant because the tenant establishes, attempts to establish, or participates in a tenant organization.

Codification - AASubchapter A, Chapter 92, Property Code; AASubsection (a), Section 92.331, Property Code

Effective Date - January 1, 2014

10. **SB 659** (West) - *Relating to compliance with certain requirements of programs administered by the Texas Department of Housing and Community Affairs.*

Summary- authorizes the Texas Department of Housing and Community Affairs board to adopt rules to debar violators for failure to comply with TDHCA policies across programs. It also provides program applicants a reasonable opportunity to cure minor issues with non-compliance before they are cited by TDHCA for

those issues. This will give TDHCA the ability to protect taxpayer-supported programs and ensure the best use of existing state and federal housing resources

Codification- Texas Government Code §§ 2306.0504, 2306.6717, 2306.6719

Effective Date- September 1, 2013

11. **HB 699** (Davis, John) - *Relating to the location of certain public sales of real property.*

Summary- House Bill 699 amends the Civil Practice and Remedies Code to authorize the commissioners court of a county, under certain conditions, to designate an area other than an area at the county courthouse where public sales of real property taken in execution on judgment will take place and to require the sales to be held at an area so designated under certain additional conditions. The bill specifies that such a designation is not a ground for challenging or invalidating any sale. The bill also amends the Property Code and the Tax Code to establish similar provisions regarding the designation of alternate locations for certain public sales of real property involving contract liens or tax delinquency.

Codification- Texas Civil Practices and Remedies Code § 34.041; Texas Property Code § 51.002; Tax Code § 34.01

Effective Date- October 1, 2013

12. **SB 717** (West) *Relating to consent by a minor to housing or care provided through a transitional living program.*

Summary - Senate Bill 717 amends the Family Code to authorize a minor to consent to housing or care provided to the minor or the minor's child or children, if any, through a transitional living program if the minor is 16 years of age or older and resides separate and apart from the minor's parent, managing conservator, or guardian and manages the minor's own financial affairs or if the minor is unmarried and pregnant or the parent of a child. The bill authorizes a transitional living program, with or without the consent of the parent, managing conservator, or guardian, to provide housing or care to the minor or the minor's child or children. The bill sets out notification requirements for the transitional living program regarding the minor's location and establishes provisions relating to the liability of a transitional living program.

Codification - Subchapter C, Chapter 32, Family Code

Effective Date - June 14, 2013

13. **SB 946** (Nelson) *Relating to the right to terminate a lease and avoid liability by a victim of certain sexual offenses or stalking.*

Summary – Under current law, a tenant who is a victim of sexual assault or a parent or guardian of a victim of sexual assault, aggravated sexual assault, or continuous sexual abuse of a child has the right to terminate a lease early and avoid liability for future rent and other amounts due under the lease under certain circumstances. S.B. 946 seeks to extend that right to the victims or parents or guardians of victims of certain other offenses or attempts to commit those offenses.

Codification - Section 92.0161, Property Code

Effective Date – January 1, 2014

14. **SB 1004** (Carona) *Relating to the regulation of residential mortgage loan originators, residential mortgage loan companies, mortgage bankers, and residential mortgage loan servicers under the jurisdiction of the Department of Savings and Mortgage Lending; changing a fee.*

Summary – In 2008, following the United States housing crisis, Congress passed the Secure and Fair Enforcement for Mortgage Licensing ACT (SAFE Act). The SAFE Act was meant to regulate the mortgage industry by requiring states to license mortgage originators, who are an individuals who for compensation or gain, take a residential mortgage loan application or offer or negotiate the terms of a residential mortgage loan. The Texas version of the SAFE Act passed in 2009 and seeks to ensure adequate consumer protection in the residential mortgage lending industry.

Residential mortgage loan originators who are employed by mortgage bankers are licensed under Chapter 157 (Registration of Mortgage Bankers), Finance Code, and residential mortgage loan originators employed by a mortgage company are governed by Chapter 156 (Residential Mortgage Loan Companies), Finance Code. Together, Chapters 156 and 157 of the Finance Code contain six individual types of licenses. Each of these licenses require the same set of qualifications; however, an originator licensed under Chapter 156 must get a separate license to be qualified under Chapter 157 and vice versa. This licensing structure is inefficient and overly complex for the entity, the individual obtaining the origination license, and the Texas Department of Savings and Mortgage Lending (SML), which oversees the whole process.

There are several other areas in the Finance Code that require modification and updates including mortgage banker registration, examination authority for credit

union subsidiary organizations, and participation in multistate examinations as scheduled by the Consumer Financial Protection Bureau (CFPB).

C.S.S.B. 1004 simplifies the mortgage originator licensing process by creating one license type for mortgage origination which will enable a qualified individual to originate for a mortgage company or a mortgage banker, so long as the individual meets the statutory licensure requirements. This does not include individuals sponsored by an independent loan contractor processor or underwriter as the job functions of both professions differ from mortgage originators, and therefore require separate licensure. C.S.S.B. 1004 also gives the SML commissioner the authority to revoke the registration or license of a mortgage banker if the mortgage banker's credentials have been revoked in another state; however, this revocation is subject to appeal.

C.S.S.B. 1004 also adds statute to the Finance Code enabling the SML commissioner to participate in multistate examinations as scheduled by the CFPB, which will ensure that the industry is in compliance with Texas's laws. At the request of the Credit Union Department (CUD), S.B. 1004 additionally transitions examination authority for credit union subsidiary organizations from CUD to SML. Finally, S.B. 1004 makes other technical changes to clean-up and clarify sections of the Finance Code.

C.S.S.B. 1004 amends current law relating to the regulation of residential mortgage loan originators, residential mortgage loan companies, mortgage bankers, and residential mortgage loan servicers under the jurisdiction of the Department of Savings and Mortgage Lending and changes a fee.

Codification – SEE ABOVE

Effective Date – September 1, 2013

15. **HB 1086** (Rodriguez, Eddie/Bohac) - *Relating to interruption of electric service by a residential landlord*

Summary- H.B. 1086 allows landlords who bill tenants for electric service through submetering or prorating electric bills to disconnect a tenant's electric service for nonpayment of electric service so long as proper notice is given to the tenant, interruption would not be detrimental to the health of the tenant, and/or repayment options are available. Landlords are prohibited from discounting service for a number of enumerated reasons. A landlord could not discontinue service on a day on which the preceding day's temperature did not rise above freezing and the temperature was predicted by the nearest National Weather Service report to remain at or below freezing for the next 24 hours. Landlords cannot discontinue service on days on which the National Weather Service had

issued a heat advisory for the county of the premises, or had issued such an advisory in one of the two preceding days

Codification- Texas Property Code § 92.008

Effective Date- September 1, 2013

16. **SB 1120** (West) *Relating to a residential tenant's lease obligation after the loss of the leased premises resulting from a natural disaster.*

Summary - Many people are impacted in a natural disaster, including apartment/rental residents.

After a natural disaster, an apartment or property management company often relocates a resident to another unit if the unit the tenant is renting is uninhabitable.

After a recent natural disaster, the April 3, 2012, tornado in Lancaster, Texas, an apartment management company tried to require impacted residents to sign new leases at a term longer than that of their existing lease term before they would relocate them.

This bill prohibits an apartment or property management company from requiring a displaced resident to sign a new lease at a term longer than the existing lease term before relocating the resident to a habitable unit.

As proposed, S.B. 1120 amends current law relating to a residential tenant's lease obligation after the loss of the leased premises resulting from a natural disaster.

Codification - Subchapter B, Chapter 92, Property Code; Section 92.062, Property Code

Effective Date - January 1, 2014

17. **HB 1772** (Turner, Chris/ Anchia/Turner, Sylvester) - *Relating to the disconnection of electric or gas utility service.*

Summary- H.B. 1772 requires written notice, by the owner/customer of nonsubmetered master-metered multifamily property, to tenants and to the municipality in which the apartment complex is located of a pending disconnection in gas or electric utility service. The language in the notice is specified by statute and the notice must be in both English and Spanish.

Codification- Property Code § 92.302

Effective Date- September 1, 2013

18. **SB 109** (West) - *Relating to a housing plan developed and certain housing information collected and reported by the Texas Department of Housing and Community Affairs.*

Summary- S.B. 109 amends current law relating to a housing plan developed and certain housing information collected and reported by the Texas Department of Housing and Community Affairs. SB 109 adds veterans, farmworkers, youth who were aging out of foster care, and the elderly to the list of people the Texas Department of Housing and Community Affairs would include in its estimate and analysis for the department's annual low-income housing plan. The bill also would add the size of these populations and their different housing needs to the analysis for the plan. The study would include data showing the number and location of residential foreclosures in the state.

Codification- Government Code §§ 2306.072, 2306.0721; Repeals Tex. Prop. Code §51.0022

Effective Date- September 1, 2013

I. COMMUNITY DEVELOPMENT

1. **HB 748** (Raymond) *Relating to a waiver allowing the Department of Family and Protective Services to use certain federal funds to test innovation strategies in child welfare programs.*

Summary - House Bill 748 amends the Human Resources Code to require the Department of Family and Protective Services (DFPS) to apply for and actively pursue a waiver as authorized by the federal Child and Family Services Improvement and Innovation Act to allow DFPS to use funds available under the Social Security Act to conduct demonstration projects to accomplish one or more specified goals relating to permanency for children in foster care, positive outcomes for infants, children, and families, the prevention of child abuse and neglect, and the reentry of children into foster care.

Codification - Subchapter C, Chapter 40, Human Resources Code

Effective Date - June 14, 2013

2. **HB 2139** (Dutton) - *Relating to the authority of the Near Northside Management District to undertake tax increment financing.*

Summary- House Bill 2139 amends the Special District Local Laws Code to authorize the Near Northside Management District to designate all or any part of the district as a tax increment reinvestment zone and to use tax increment financing under the Tax Increment Financing Act in the manner provided for a municipality by that act, with the exception that the district's board of directors functions also as the reinvestment zone's board of directors. The bill confers on the district all powers provided under the Tax Increment Financing Act and authorizes the district and an overlapping taxing unit to enter into an interlocal agreement for the payment of all or a portion of the tax increment of the unit to the district.

Codification- Special District Local Laws Code § 39.5.155

Effective Date- June 14, 2013

3. **HB 3860** (Dutton) - *Relating to the creation of the Generation Park Management District; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.*

Summary- H.B. 3860 amends current law relating to the creation of the Generation Park Management District and provides authority to issue bonds,

and to impose assessments, fees, or taxes to finance, construct, and operate a broad spectrum of high-quality infrastructure which proponents contend is necessary to attract and support new businesses.

Codification- Special District Local Laws Code Ch. 3916

Effective Date- June 14, 2013

4. **SB 660** (West) *Relating to the collection, receipt, and use of assessments and other types of revenue for certain public improvement projects in certain municipalities.*

Summary - Senate Bill 660 amends the Local Government Code to authorize certain municipalities that undertake a project that confers a special benefit on areas that share a common characteristic or use to adopt procedures for the collection of assessments under the Public Improvement District Assessment Act that are consistent with the municipality's procedures for the collection of a municipal hotel occupancy tax and to pursue remedies for the failure to pay an assessment under the Public Improvement District Assessment Act that are available to the municipality for failure to pay a municipal hotel occupancy tax. Senate Bill 660 amends the Tax Code to entitle certain populous municipalities required to allocate a certain portion of municipal hotel occupancy tax revenue toward the municipality's convention center complex to receive in the same manner all funds and revenue that a municipality is authorized to receive under provisions relating to the use of certain tax revenue in certain municipalities for qualified projects such as enhancing and upgrading convention center facilities, multipurpose arenas, venues, or related infrastructure. The bill also authorizes these populous municipalities to pledge the funds and revenue for the payment of obligations incurred for the construction of an authorized qualified project.

Codification - Section 372.0035, Local Government Code; Section 351.106, Tax Code

Effective Date - June 14, 2013

5. **SB 837** (Ellis) *Relating to the authority of a municipality to require owners of real property to keep the property free of certain conditions.*

Summary - Senate Bill 837 amends the Health and Safety Code to clarify statutory provisions relating to the authority of the governing body of a municipality to require an owner of real property in the municipality to keep the property free from weeds or other unsanitary matter by referencing statutory language that describes certain conditions constituting a public nuisance.

Codification - Section 342.004, Health and Safety Code

Effective Date - June 14, 2013

6. **SB 848** (Carona) *Relating to assignment of rents to holders of certain security interests in real property.*

Summary - Lenders secure their interest in a borrower's collateral so that in the event of a default, the lender has a legal right to the collateral. For years, the standard practice in a commercial lease transaction was for a lender to obtain a security interest in both the property being purchased and the rent or other proceeds that the property generated. However, a 1981 Texas Supreme Court ruling complicated this process by holding that a lender's security interest is not established, or perfected, until the lender takes some proactive action to collect the proceeds from the property following a default by the property owner. As a result, the lender's security interest could potentially be subordinate to another party's security interest if that other party is able to establish its lien before the lender.

In 2011, the Texas Legislature passed the Assignment of Rents Act, S.B. 889, which clarified and made conforming changes to the law on perfecting a lien on proceeds from property. However, the Assignment of Rents Act requires clarification regarding the law's applicability to mineral interests and other technical changes conforming the law to the Property Code.

C.S.S.B. 848 clarifies that the Assignment of Rents Act does not apply to mineral interests in real property. C.S.S.B. 848 also makes a number of technical corrections to the existing law so that it is uniform and consistent.

C.S.S.B. 848 amends current law relating to assignment of rents to holders of certain security interests in real property.

Codification - Subdivisions (1), (3), (4), and (9), Section 64.001, Property Code; Section 64.002, Property Code; Subsections (a) and (b), Section 64.051, Property Code; Subsections (a), (b), and (d), Section 64.052, Property Code; Section 64.053, Property Code; Subsections (a) and (b), Section 64.054, Property Code; Subsections (a), (c), (d), and (e), Section 64.055, Property Code; Subsection (b), Section 64.059, Property Code; Subsections (a) and (d), Section 64.060, Property Code, Subsection (c), Section 64.051, Property Code

Effective Date - June 14, 2013

7. **SB 863** (Taylor) - *Relating to the creation of Pearland Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.*

Summary- Senate Bill 863 amends the Special District Local Laws Code to create the Pearland Municipal Management District No. 2 in Brazoria County to provide certain improvements, projects, and services for public use and benefit.

The district's powers and duties include, subject to certain requirements, the authorization to issue obligations and to impose assessments and property, operation and maintenance, and contract taxes. The bill provides for, among other provisions, the annexation of land by the district. The bill prohibits the district from exercising the power of eminent domain.

Codification- Special District Local Laws Code Ch. 3867

Effective Date- June 14, 2013

8. **SB 690** (Ellis) - *Relating to the creation of Harris County Improvement District No. 23; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.*

Summary- Senate Bill 690 amends the Special District Local Laws Code to create the Harris County Improvement District No. 23 to provide certain improvements, projects, and services for public use and benefit. The district's powers and duties include, subject to certain requirements, the authorization to issue obligations and to impose assessments and property, operation and maintenance, and contract taxes. The bill provides for, among other provisions, annexation of land by the district and navigation district powers. The district is prohibited from exercising the power of eminent domain.

Codification- Special District Local Laws Code Ch. 3867

Effective Date- June 14, 2013

9. **SB 1226** (Zaffirini) *Relating to the establishment of an employment-first policy and task force to promote competitive employment opportunities that provide a living wage for individuals with disabilities.*

Summary - Senate Bill 1226 amends the Government Code to provide for the establishment of an employment-first policy and interagency task force to promote competitive employment opportunities that provide a living wage for individuals with disabilities. The bill sets out requirements for the policy, which is to be adopted and implemented by the Health and Human Services Commission (HHSC), Texas Education Agency, and Texas Workforce Commission. The bill requires that the task force be appointed by the HHSC executive commissioner, who is authorized to use an existing committee or task force to promote competitive employment of individuals with disabilities. The bill sets out the composition, functions, and expiration date of the task force if the executive commissioner establishes the task force.

Codification - Subchapter B, Chapter 531, Government Code; Section 531.02448, Government Code

Effective Date - June 14, 2013

JUVENILE JUSTICE

I. JUVENILE PROCEDURES

1. **HB 144** (Raymond) - *Relating to a mental examination of a child subject to the juvenile justice system.*

Summary - H.B. 144 allows a judge to order, in addition to psychological reviews, a screening for chemical dependency for any juvenile in the juvenile justice system to determine whether a child has any chemical dependency. This law requires a probation department to refer to an appropriate and legally authorized agency or provider for evaluation and services a child whose examination indicates there is reason to believe the child suffers from chemical dependency or a child who has been determined to suffer from chemical dependency and who is not currently receiving treatment for chemical dependency while under deferred prosecution supervision or court-ordered probation. The bill requires a probation department to report such a referral to the Texas Juvenile Justice Department.

Codification- Texas Family Code § 51.20(a)-(d)

Effective Date-September 1, 2013

2. **HB 232** (Guillen) *Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.*

Summary - House Bill 232 amends the Alcoholic Beverage Code to authorize a court to allow a minor defendant who is required to attend an alcohol awareness program on placement on deferred disposition for conviction of certain alcohol-related offenses, but who resides in a county with a population of 75,000 or less and for whom access to an alcohol awareness program is not readily available in the county or an adjacent county, to take an online alcohol awareness program if the Department of State Health Services (DSHS) approves online courses. In the alternative, the bill authorizes the court to require such a defendant to perform not less than eight hours of community service related to alcohol abuse prevention or treatment and approved by DSHS.

Codification – Section 106.115, Alcoholic Beverage Code

Effective Date – June 14, 2013

4. **HB 694** (Phillips) - *Relating to access by certain military personnel to juvenile and criminal history information.*

Summary - House Bill 694 amends the Family Code to authorize the Department of Public Safety (DPS) to allow state or U.S. military personnel, including a recruiter, to access information in the juvenile justice information system relating to the case of an applicant for enlistment in the military, with the applicant's written permission. The bill authorizes the Texas Juvenile Justice Department, a juvenile probation department, a clerk of the court, a prosecutor's office, or a law enforcement agency that maintains records relating to a juvenile case to allow such military personnel to access juvenile records in the same manner authorized for records to which access has not been restricted. House Bill 694 amends the Government Code to entitle a branch of the U.S. military, including a recruiter for the branch, to obtain from DPS criminal history record information maintained by DPS that relates to an applicant for enlistment in the U.S. military if the branch submits a statement from the applicant authorizing the branch to obtain the information. The bill prohibits the release of the information to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information. The bill requires a branch of the U.S. military to destroy the information after the purpose for which the information was obtained is accomplished.

Codification- Family Code Section 58.203, 58.204(b), 58.206, and 58.207.

Effective Date- June 14, 2013

5. **HB 1318** (Turner) *Relating to the appointment of counsel to represent certain youths and indigent defendants.*

Summary - House Bill 1318 amends the Code of Criminal Procedure to require an attorney appointed to represent an indigent defendant to annually submit to the applicable county information describing the percentage of the attorney's practice time that was dedicated to work based on appointments to represent an indigent defendant and appointments to represent a person in a juvenile justice proceeding. This requirement takes effect September 1, 2014. The bill prohibits a public defender's office from accepting an appointment to represent an indigent defendant if the acceptance would violate the maximum allowable caseloads established at the office, sets out procedures for a chief public defender who refuses such an appointment and for the court with which the chief public defender files the refusal statement, and prohibits the termination, removal, or sanctioning of a chief public defender for a good-faith refusal.

House Bill 1318 amends the Government Code to expand the information that each county is required to prepare and provide annually to the Texas Indigent Defense Commission to include specified information regarding plans or proposals for a public defender's office and a managed assigned counsel program and contracts for indigent defense services. Effective September 1, 2014, the bill requires each county annually to prepare and provide to the commission information describing the number of appointments to represent indigent defendants and persons in juvenile justice proceedings made to each attorney accepting appointments in the county and the previously described information regarding the percentage of the attorneys' practice time dedicated to work based on those appointments. The bill requires the commission to conduct and publish a study to determine guidelines for establishing a maximum allowable caseload for a criminal defense attorney to ensure effective indigent representation and sets out requirements for the study.

House Bill 1318 amends the Family Code to require a court to appoint counsel to represent a detained child within a reasonable time before the first detention hearing is held, unless the court finds that the appointment is not feasible due to exigent circumstances.

Codification – Article 26.04(j), Code of Criminal Procedure; Article 26.044, Code of Criminal Procedure; Section 51.101(a), Family Code; Section 54.01, Family Code, Section 79.036(a), Government Code, Section 79.036, Government Code; Sections 51.101(a) and 54.01, Family Code

Effective Date – September 1, 2013

6. **HB 1366** (Lucio III) *Relating to certain procedures in family or juvenile law proceedings.*

Summary - Current law provides that certain interlocutory appeals stay the commencement of a trial in the trial court pending resolution of the appeal. House Bill 1366 amends the Civil Practice and Remedies Code to establish that an interlocutory appeal in a suit brought under the Family Code is an exception to this law.

House Bill 1366 amends the Family Code to specify that a waiver of the issuance or service of process executed by a party to a suit for the dissolution of a marriage is required to be sworn before a notary public who is not an attorney in the suit. The bill authorizes a court to award reasonable attorney's fees and expenses in a suit for the dissolution of a marriage and to order the fees and expenses and any post-judgment interest to be paid directly to the attorney who

is authorized to enforce the order. The bill also shortens by four working days the deadline by which parties to certain suits affecting the parent-child relationship that are referred to associate judges must file a written request for a de novo hearing before the referring court and the deadline by which any other party to such a suit must file a request for a de novo hearing after the initial request was filed.

Codification – Section 51.014(b), Civil Practice and Remedies Code; Section 6.4035(c), Family Code; Section 6.708, Family Code; Sections 201.015(a) and (e), Family Code; Section 201.1042(b), Family Code; Sections 201.317(a) and (d), Family Code

Effective Date – September 1, 2013

7. **HB 2733** (White) *Relating to the administration and operation of the Texas Juvenile Justice Department.*

Summary - House Bill 2733 amends the Government Code to entitle the Texas Juvenile Justice Department (TJJD) to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to an applicant for or a holder of a certification from TJJD, a child committed to TJJD custody by a juvenile court, a person requesting visitation access to a TJJD facility, or any person as necessary to conduct an evaluation of the home to which a child is released under supervision by TJJD. The bill authorizes the release of that information to a juvenile board by which a certification applicant or holder is employed, requires TJJD to destroy that information relating to a certification applicant after certifying the person, and specifies that TJJD is not prohibited from disclosing criminal history record information obtained from DPS in a criminal proceeding or in a hearing conducted by TJJD. The bill establishes the confidentiality of certain personal information regarding a current or former employee of TJJD or TJJD's predecessors in function, a juvenile probation or detention officer certified by TJJD or those predecessors, and employees of a juvenile justice program or facility.

House Bill 2733 amends the Human Resources Code to include the director of state programs and facilities of TJJD or the director's designee on the advisory council on juvenile services and to revise deadlines for TJJD to report on its rehabilitation and reestablishment programs for children committed to TJJD and on matters concerning correctional facilities. The bill requires TJJD, rather than the executive director of TJJD, to review criminal history record information and previous and current employment references of certain persons working for TJJD facilities or with children in TJJD custody, and requires TJJD to review that information of each contractor or employee or subcontractor of a contractor who

has direct access to children in TJJD facilities, rather than each contractor working for TJJD or in a facility owned by or under contract with TJJD. The bill authorizes TJJD to review criminal history record information of a person requesting visitation access to a TJJD facility or of any person as necessary to conduct an evaluation of the home to which a child is released under supervision by TJJD and prohibits TJJD from denying visitation access to an immediate family member of a child committed to TJJD based solely on a review of the family member's criminal history record information. If visitation access is denied or limited based in part on that review, TJJD must retain the information of the person for whom access is denied or limited until the applicable child is released from TJJD. The bill changes the deadline by which TJJD must report the results of recidivism-related research regarding TJJD's comprehensive reentry and reintegration plan and removes the term limit on the independent ombudsman appointed to investigate, evaluate, and secure the rights of children committed to TJJD.

Codification – Section 411.1141, Government Code; Section 552.117(a), Government Code; Section 552.1175(a), Government Code; Section 203.0081(a), Human Resources Code; Sections 242.002(b) and (d), Human Resources Code; Section 242.010, Human Resources Code; Section 245.0535(i), Human Resources Code; Section 261.051(b), Human Resources Code

Effective Date – September 1, 2013

8. **HB 2862** (McClendon) - *Relating to procedures related to juvenile cases.*

Summary - H.B. 2862 contains substantive and corrective changes related to the adjudication and disposition of juvenile conduct under Title 3 (Juvenile Justice Code) of the Family Code and related statutes. H.B. 2862 includes selected recommendations for technical and corrective language that were developed by the juvenile justice work group. The bill creates greater efficiencies in how local juvenile departments provide notice to victims in juvenile related offenses and also incorporates changes made regarding youth who received a determinate sentence. The bill also addresses risk and needs assessments and mental health screening for juvenile age offenders.

Codification- Code of Criminal Procedure Arts. 4.19, 24.011, 45.0216, 62.352(b) and (c); Texas Family Code § 51.02, 51.03, 51.0412, 51.07, 51.072

Effective Date- September 1, 2013

9. **HB 3153** (Lewis) *Relating to the operation and administration of, and practice in courts in, the judicial branch of state government and the composition of certain juvenile boards; imposing a fee.*

Summary - House Bill 3153 amends Government Code provisions regarding the operation and administration of, and practice in courts in, the judicial branch. First, the bill amends provisions concerning certain district courts, district attorneys, and juvenile boards. The bill transfers Leon County from the jurisdiction of the 12th Judicial District to the jurisdiction of the 369th Judicial District; removes Waller County from the jurisdiction of the 155th Judicial District and transfers all cases from Waller County pending in the 155th District Court on January 1, 2014, to the 506th District Court; and transfers Bandera County from the jurisdiction of the 216th Judicial District to the jurisdiction of the 198th Judicial District. The bill sets out provisions regarding the transfer of pending cases between districts and removes provisions regarding the terms of the 12th District Court, the 155th District Court, and the 216th District Court. The bill reenacts a Human Resources Code provision concerning the composition of Leon County's juvenile board and provides for the redesignation of the district attorney in that county.

The bill removes Edwards, Kimble, McCulloch, Mason, and Menard Counties from the 198th Judicial District; creates the 452nd Judicial District to be composed of those counties; and sets out provisions regarding juries in each county and the election of a district attorney who is to be subject to the professional prosecutors law. The bill also transfers Menard and McCulloch Counties from the Seventh Administrative Judicial Region to the Sixth Administrative Judicial Region. The bill creates the 442nd Judicial District, composed of Denton County, the 443rd Judicial District, composed of Ellis County, and the 450th Judicial District, composed of Travis County. The bill requires the 450th District Court to give preference to criminal matters.

In addition, House Bill 3153 amends provisions concerning statutory county courts and court costs and fees. The bill creates the County Court at Law of Atascosa County and the County Court at Law of Jim Wells County as the sole statutory county courts for those counties. The bill establishes the jurisdiction of each court and sets out provisions regarding a judge's qualifications and salary, division of clerk duties, a court reporter's salary, and transfer of jurors. The bill also sets out provisions relating to the jurisdiction, division of clerk duties, and juries in the County Court at Law of Harrison County; provisions relating to the jurisdiction, division of clerk duties, fees, and jurors and juries in the County Court at Law of Lamar County; and provisions regarding the jurisdiction of the County Court at Law of Navarro County. The bill creates the County Court at Law Number 9 of Travis County as a statutory county court and requires that court to give preference to criminal cases. The bill also adds a subchapter creating the 1st Multicounty Court at Law, composed of Fisher, Mitchell, and Nolan Counties, as a multicounty statutory county court, abolishes the County

Court at Law of Nolan County, and provides for the transfer of cases from the abolished court to the multicounty court at law. The bill establishes the jurisdiction of the 1st Multicounty Court at Law and prohibits the judge from engaging in the private practice of law. Among other things, the bill provides for the court reporter's salary, court fees and costs, and division of clerk duties.

Finally, House Bill 3153 adds a subchapter concerning magistrates in Guadalupe County. The bill authorizes the appointment of magistrates in the county, sets out appointment procedures for the magistrates, and authorizes the elimination of magistrate positions by a majority vote of the county commissioners court. The bill also includes provisions relating to magistrate qualifications; compensation requirements; judicial immunity; termination of employment; jurisdiction, responsibility, and powers; and personnel, equipment, and office space.

House Bill 3153 takes effect September 1, 2013, except as follows: provisions relating to the 443rd Judicial District take effect September 1, 2014; provisions relating to the 442nd Judicial District, the County Court at Law of Jim Wells County, and the County Court at Law of Harrison County take effect January 1, 2015; and provisions relating to the 450th Judicial District and the County Court at Law Number 9 of Travis County take effect September 1, 2015.

Effective Date - See Above

10. **SB 23** - (Huffman) - *Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.*

Summary- Current Texas law permits the imposition of life imprisonment without parole for capital offenses committed by an individual who is 17 years of age. However, the U.S. Supreme Court has recently declared that practice unconstitutional. S.B. 23 seeks to remedy this situation by amending the Penal Code and the Code of Criminal Procedure to clarify that the punishment of imprisonment for life with the possibility parole applies if the individual committed the offense when 17 years of age or younger.

Codification- Texas Penal Code § 12.31

Effective Date- September 1, 2013

11. **SB 345** (Whitmire) - *Relating to the abolition of the state boot camp program.*

Summary - S.B. 345 requires the Texas Department of Criminal Justice (TDCJ) to adopt a policy that requires each warden to identify volunteer and faith-based organizations that provide programs for inmates housed in facilities operated by

TDCJ. Requires that the policy require each warden to actively encourage volunteer and faith-based organizations to provide certain programs for inmates in the warden's facility. Deletes existing text requiring TDCJ to actively encourage volunteer organizations to provide certain programs for inmates housed in facilities operated by TDCJ. The bill further provides that on and after the effective date of this Act, a judge is prohibited from recommending a person for placement in the state boot camp program under Section 499.052, Government Code, and a participant in the state boot camp program remains a participant in the program only until either the date on which the convicting court suspends further execution of the sentence and reassumes custody of the person or the date on which TDCJ transfers the person to another unit in TDCJ, whichever is later. S.B. 345 also requires TDCJ, not later than December 1, 2013, to adopt the policy, including a schedule for implementing the policy, required by Section 501.009, Government Code, as amended by this Act.

Codification- Texas Code of Criminal Procedure Art. 42.12 § 8 and Government Code § 499.052.

Effective Date- September 1, 2013

12. **SB 511** (Whitmire) - *Relating to the commitment of certain juveniles to local post-adjudication secure correctional facilities in certain counties and to the release under supervision of those juveniles.*

Summary- Senate Bill 511 amends the Family Code to add temporary provisions authorizing the juvenile court of a county in which the juvenile board or local juvenile probation department operates or contracts for the operation of a post-adjudication secure correctional facility, after a disposition hearing, to commit a child who is found to have engaged in delinquent conduct constituting a felony to the facility with or without a determinate sentence, as an alternative to committing the child to the Texas Juvenile Justice Department (TJJD). The bill exempts the facility commitment from certain physical segregation regulations and sets out the circumstances under which the court may order the commitment with or without a determinate sentence. The bill authorizes a juvenile court to commit a child at sanction level six to a post-adjudication secure correctional facility without a determinate sentence and to commit a child at sanction level seven to the facility with a determinate sentence. The bill deems an adjudication that a child engaged in conduct occurring on or after January 1, 1996, constituting a felony offense resulting in commitment to TJJD or a post-adjudication secure correctional facility a final conviction only for purposes of punishment for certain repeat and habitual felony offenders and makes a conforming change in the Penal Code.

Senate Bill 511 amends the Human Resources Code to add temporary provisions requiring a juvenile board in a county with a population of more than one million and less than 1.5 million to establish a policy that specifies whether the board or a local juvenile probation department that serves the county may operate or contract for the operation of a post-adjudication secure correctional facility to confine children committed as previously described and operate a program through which a child so committed may be released under supervision and place the child in the child's home or in any approved situation or family. The bill requires a board or department to evaluate the home setting before placing a child in the home and sets out other requirements relating to the acceptance and minimum length of stay of properly committed persons. The bill sets out the circumstances under which a local juvenile department may and may not release under supervision a child committed to a post-adjudication secure correctional facility with a determinate sentence and the circumstances under which a committed child may be transferred to the Texas Department of Criminal Justice for confinement. The bill authorizes a board or department to resume the care and custody of any child released under supervision at any time before the child's final discharge and requires a board or department operating or contracting for the operation of a post-adjudication secure correctional facility to develop a comprehensive plan for each committed child to reduce recidivism and ensure the successful reentry and reintegration of the child into the community following the child's release or final discharge from the facility.

Codification- Texas Family Code §§ 51.13, Ch. 54 and Ch. 59; Health and Safety Code § 841.003(b); Human Resources Code Ch. 152; Texas Penal Code § 12.42(f)

Effective Date-December 1, 2013

13. **SB 670** (Whitmire) *Relating to the copying of certain records and files relating to a child who is a party to a juvenile proceeding.*

Summary - Senate Bill 670 amends the Family Code to authorize certain individuals and entities associated with a child's juvenile justice proceeding to copy the records and files of a juvenile court, a clerk of the court, a juvenile probation department, or a prosecuting attorney relating to the child.

Codification - Subsection (b), Section 58.007, Family Code

Effective Date - May 24, 2013

14. **SB 1173** (West) *Relating to procedures for the sentencing and placement on community supervision of defendants charged with the commission of a state jail felony.*

Summary - Senate Bill 1173 amends the Code of Criminal Procedure to require a presentence investigation report regarding a defendant charged with a state jail felony to contain recommendations for conditions of community supervision that

the applicable community supervision and corrections department considers advisable or appropriate. The bill authorizes a judge to order the sentence for certain state jail felony offenses to be executed in whole or in part, with a term of community supervision to commence immediately on the defendant's release from confinement, and requires the judge, in any case in which the jury assesses the punishment, to follow the jury's recommendations in suspending the sentence's imposition or ordering the sentence to be executed, and to order the sentence to be executed in whole if the jury does not recommend community supervision. The bill requires a judge assessing punishment, before imposing such a sentence, to review the presentence investigation report and determine whether the best interests of justice require the judge to suspend the sentence's imposition and place the defendant on community supervision or to order the sentence to be executed in whole or in part. The bill requires a judge who assesses punishment and suspends the execution of the sentence or orders the execution of the sentence only in part to impose conditions of community supervision consistent with the report's recommendations.

Senate Bill 1173 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to adopt policies and procedures for determining the cost savings to TDCJ realized through the release of state jail felony defendants on community supervision after serving part of the sentence and for providing 30 percent of that cost savings to the community justice assistance division to be allocated to individual community supervision and corrections departments and used for the same purpose as statutorily mandated state aid payments to those departments.

Codification - Subsection (a), Section 9, Article 42.12, Code of Criminal Procedure; Subsection (a), Section 15, Article 42.12, Code of Criminal Procedure; Subdivision (1), Subsection (c), Section 15, Article 42.12, Code of Criminal Procedure; Chapter 509, Government Code

Effective Date - September 1, 2013

15. **SB 1003** (Carona) - *Relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state.*

Summary - S.B. 1003 amends current law relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state. In 2011, the Texas Department of Criminal Justice (TDCJ) housed 8,784 prisoners in administrative segregation, also known as solitary confinement. While the current administrative segregation population in Texas is over five percent of the total prison population, the national average is under two percent. Of the 8,784 Texans in administrative segregation, TDCJ reported that 2,060 were identified with a serious mental health or mental retardation diagnosis.

Codification – Chapter 552 (Public Information), Government Code

Effective Date – September 1, 2013

16. **SB 1547** (Van de Putte) *Relating to discipline of public school students by school bus drivers.*

Summary - Senate Bill 1541 amends the Education Code to require the student code of conduct adopted by the board of trustees of an independent school district to specify the circumstances under which a student may be removed from a school bus and to authorize the driver of a school bus transporting students to or from school or a school-sponsored or school-related activity to send a student to the principal's office to maintain effective discipline on the school bus.

Codification - Subsection (a), Section 37.001, Education Code; Subchapter A, Chapter 37, Education Code

Effective Date – June 14, 2013

17. **SB 1769** (Rodriguez) *Relating to the creation of an advisory committee to examine the fingerprinting practices of juvenile probation departments.*

Summary - Senate Bill 1769 requires the Texas Juvenile Justice Board, not later than December 1, 2013, to appoint an advisory committee to develop a plan to end the practice of fingerprinting children referred to a juvenile probation department for delinquent conduct, other than felony conduct. The plan must be submitted to the board not later than December 1, 2014, and must ensure that public safety and due process rights are protected. The advisory committee is abolished January 1, 2015.

Codification -n/a

Effective Date – June 14, 2013

II. CLASS C MISDEMEANORS (SCHOOL TICKETING)

1. **HB 455** (Dukes) *Relating to excused absences from public school for certain students.*

Summary - House Bill 455 amends the Education Code to expand the requirement for a school district to excuse a student for a temporary absence from school resulting from a health care-related appointment to provide a

student an excused absence for an appointment with health care professionals for either the student or the student's child.

Codification – Section 25.087(b), Education Code

Effective Date – June 14, 2013

2. **HB 528** (Turner, Sylvester/Giddings/Miles/Wu) - *Relating to the restriction of access to the records and files of a child charged with or convicted of certain fine-only misdemeanor offenses.*

Summary - House Bill 528 amends the Code of Criminal Procedure and the Family Code to make statutory provisions making confidential and prohibiting public disclosure of all records, files, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a child who is convicted of a fine-only misdemeanor other than a traffic offense, apply also to all such records, files, and information relating to a child who is charged with, found not guilty of, had a charge dismissed for, or is granted deferred disposition for such an offense or whose conviction for such an offense is appealed.

This bill would make all records confidential as of the time of filing, regardless of disposition. The question of the constitutionality of this provision has been questioned as well as whether it can be reconciled with SB393. The Texas Attorney General has been requested to provide an opinion on these issues in pending request RQ-1136-GA.

Codification- Texas Code of Criminal Procedure Arts. 44.2811 and 45.0217; Texas Family Code § 58.00711

Effective Date- January 1, 2014

3. **HB 1318** (Turner, Sylvester) - *Relating to the appointment of counsel to represent certain youths and indigent defendants.*

Summary- House Bill 1318 amends the Code of Criminal Procedure to require an attorney appointed to represent an indigent defendant to annually submit to the applicable county information describing the percentage of the attorney's practice time that was dedicated to work based on appointments to represent an indigent defendant and appointments to represent a person in a juvenile justice proceeding. The bill prohibits a public defender's office from accepting an appointment to represent an indigent defendant if the acceptance would violate the maximum allowable caseloads established at the office, sets out procedures for a chief public defender who refuses such an appointment and for the court with which the chief public defender files the refusal statement, and prohibits the termination, removal, or sanctioning of a chief public defender for a good-faith refusal. The bill requires the commission to conduct and publish a study to determine guidelines for establishing a maximum allowable caseload for a

criminal defense attorney to ensure effective indigent representation and sets out requirements for the study. The above requirements take effect September 1, 2014.

House Bill 1318 also amends the Family Code to require a court to appoint counsel to represent a detained child within a reasonable time before the first detention hearing is held, unless the court finds that the appointment is not feasible due to exigent circumstances. These provisions take effect September 1, 2013.

Codification- Code of Criminal Procedure Article 26.044

Effective Date- See effective dates above.

4. **SB 393** (West) - *Relating to the prosecution of children accused of certain Class C misdemeanors.*

Summary- SB 393 is a multifaceted bill adopting many of the recommendations of the Texas Judicial Council's Juvenile Justice Committee and Advisory Committee as a means to reduce Class C ticketing. Specifically, the purpose of the bill was to remove ticketing as a means to address certain behaviors on school district property and puts in place a complaint-based system, similar to what is currently done for truancy. The bill's most significant provisions are as follows:

- The bill requires that complaints alleging the commission of a school offense, in addition to the statutory requirements for complaints filed in a justice or municipal court, to be sworn to by a person who has personal knowledge of the underlying facts and/or the alleged victim, and be accompanied by a statement from a school employee stating whether the child is eligible for or receives special services and the graduated sanctions, if required, that were imposed on the child before the complaint was filed. Requires a court to dismiss a complaint or juvenile court referral that is not made in compliance with statutory referral and filing requirements.
- It provides that a court may direct the defendant to pay the entire fine when sentence is pronounced, pay in designated intervals, or pay the entire cost at a later time. A child may elect to discharge the fines and costs by performing community service or receive tutoring or pay the fines and costs at a later time or in intervals. The child's choice must be made in writing, signed by the defendant and parent (if present) and the court shall maintain the written election as a record of the court.
- A court may waive a payment if the defendant was indigent or a child at the time of the offense, and each method of paying the fines would impose an undue hardship on the defendant.

- It expands the use of juvenile case managers by allowing for their use without a formal court order and prior to cases being filed. The juvenile must be an offender who is before a court consistent with the court's statutory powers or "referred to a court by a school administrator...for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians.
- The bill also authorizes a school district commissioned peace to dispose of cases without juvenile court referral.
- SB 393 makes an exception to the offenses of disruption of classes and disruption of the transportation for students who, at the time they engaged in the prohibited conduct, were younger than 12 years of age, rather than a student in the sixth grade or lower. A peace officer cannot issue a citation to a child who is at least 10 years of age and younger than 17 years of age, enrolled in public school, and who is alleged to have committed a school offense. A "school offense" is defined as an offense that is a Class C misdemeanor, other than a traffic offense, committed on school property. SB 393 does not prohibit a child from being taken into custody.
- A law enforcement officer authorized to take a child into custody may dispose of the case without referral to a juvenile court or charging a child in a court if he follows the guidelines adopted by the juvenile board of the particular county, and he is authorized by those guidelines, and the officer makes a written report of the disposition to the law enforcement agency, and "identifying the child and specifying the grounds for believing that the taking into custody or accusation of criminal conduct was authorized.
- A school district that commissions peace officers MAY develop a system of graduated sanctions that are required to be imposed before filing a complaint. These progressive sanctions can include a warning letter to be issued to the child and the child's parent or guardian; a behavior; the performance of school-based community service by the child; and the referral of the child to counseling, community-based services, or other in-school or out-of-school services aimed at addressing the child's behavioral problems.
- A law enforcement officer may refer the child to a first offender program rather than court if the child has not been previously adjudicated for having engaged in delinquent conduct, and makes a written request. The child's parent or guardian must be notified. If the child successfully completes the program, the case is closed and not referable to court unless the child is again taken into custody, fails to complete the program, a guardian terminates participation, or the child is arrested while in the program.

- With regards to Penal Code §8.07, a child under ten years old cannot be convicted. A person who is at least 10 years of age but younger than 15 years of age is presumed incapable of committing an offense described by Subsection (a)(4) or (5), other than an offense under a juvenile curfew ordinance or order. Authorizes this presumption to be refuted if the prosecution proves to the court by a preponderance of the evidence that the actor had sufficient capacity to understand that the conduct engaged in was wrong at the time the conduct was engaged in.

Codification- Code of Criminal Procedure Arts. 42.15, 43.091, 44.2811, 45.0217, 45.041, 45.0491, 45.056; Texas Education Code Ch. 37; Texas Family Code §§ 52.03, 52.031; Texas Penal Code § 8.07, 8.08

Effective Date- September 1, 2013

5. **SB 394** (West) - *Relating to restricting access to records of children convicted of or receiving deferred disposition for certain fine-only misdemeanors.*

Summary - Senate Bill 394 amends the Code of Criminal Procedure and Family Code to make state law governing the confidentiality of records relating to a child convicted of a fine-only misdemeanor other than a traffic offense apply also to a child who has received a dismissal after deferral of disposition for such an offense. The bill removes confidentiality provisions relating to a child whose conviction for such an offense is affirmed. This bill was proposed to remove a loophole that failed to include cases dismissed after deferred adjudication among the types of dispositions that result in confidential records.

Codification- Criminal Code of Procedure Article 44.2811 and 45.0217

Effective Date- September 1, 2013

6. **SB 395** (West) - *Relating to fines and court costs imposed on a child in a criminal case.*

Summary - SB 395 gives a judge the ability to allow a defendant who is a child to elect at the time of conviction to discharge the fine and costs by either performing community service or receiving tutoring or paying the fine and costs. The child's decision would have to be made in writing and signed by his or her parent, guardian, or managing conservator. The bill establishes requirements relating to the defendant's election and authorizes a court to waive payment of a fine or costs imposed on such a child defendant who defaults in payment if the court determines that the alternative method of discharging the fine and costs would impose an undue hardship on the defendant.

Codification- Texas Code of Criminal Procedure Arts. 42.15, 43.091, 45.041, 45.0491

Effective Date- September 1, 2013

7. **SB 1114** (Whitmire/West) - *Relating to the prosecution of certain misdemeanor offenses committed by children and to school district law enforcement.*

Summary - S.B. 1114 is a response to the criminalization of students based on school behavioral issues. Currently, Texas students may be given a class C misdemeanor ticket for misbehavior. These tickets may result in a fine of up to \$500, time in jail if the ticket goes unaddressed and progresses to the warrant stage, and a criminal record for the student. Senate Bill 1114 amends the Code of Criminal Procedure to require a law enforcement officer who issues a citation to or files a complaint for conduct by a child 12 years of age or older that is alleged to have occurred on school property or on a vehicle owned or operated by a county or independent school district to submit to the court the offense report, a witness statement, and a statement by a victim of the alleged conduct, if any, and to prohibit an attorney representing the state from proceeding in a trial of an offense unless the officer complied with that requirement. The bill prohibits a law enforcement officer from issuing a citation or filing a complaint for that type of conduct by a child younger than 12 years of age.

Senate Bill 1114 amends the Education Code to require a court to dismiss a truancy-related complaint or referral made by a school district that does not comply with statutory referral and filing requirements. The bill requires a school district student code of conduct to specify the circumstances under which a student may be removed from a vehicle owned or operated by the district and to provide methods for managing students on such a vehicle appropriate for each grade level, removes the requirement that a school district peace officer perform administrative duties for the applicable district, and clarifies a peace officer's authority to take a child into custody for certain offenses.

The bill prohibits the issuance of a warrant for the arrest of a person for a Class C misdemeanor under the Education Code committed when the person was younger than 17 years of age and exempts a primary or secondary grade student enrolled in a school from the offenses of disruption of classes or other school activities and disruption of transportation.

Senate Bill 1114 amends the Family Code to authorize the referral of a child accused of a Class C misdemeanor other than a traffic offense to a first offender program prior to the filing of a complaint with a criminal court and to update first offender program provisions to reflect that authorization.

The bill amends the Penal Code to include a public school campus or the school grounds on which a public school is located among the public places to which the offense of disorderly conduct applies.

Codification- Texas Code of Criminal Procedure § 45.058, Texas Education Code § 25.0915 and Ch. 37; Texas Family Code § 52.031, Texas Penal Code § 42.01

Effective Date- September 1, 2013

8. **SB 1419** (West) - *Relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.*

Summary- S.B. 1419 diverts existing court costs, currently collected on truancy offenses, to a dedicated general revenue fund to truancy prevention and intervention. In addition, it expands the use of juvenile case managers by allowing for their use without a formal court order and prior to cases being filed against juveniles for truancy offenses. S.B. 1419 also amends current law relating to funding for juvenile case managers through certain court costs and to the establishment of the truancy prevention and diversion fund.

Codification- Code of Criminal Procedure Arts. 45.056(a), 102.015; Texas Government Code § 103.034

Effective Date- September 1, 2013

ABOUT THE EARL CARL INSTITUTE

1. Background.

The Earl Carl Institute for Legal and Social Policy, Inc. at the Thurgood Marshall School of Law seeks to identify, address, and offer solutions to issues that affect traditionally urban and disenfranchised communities. The Institute was established in 1992 by Professor Marcia Johnson and is a nonprofit corporation exempt from taxation under §501(c) (3) of the Internal Revenue Code.



The Institute was named in honor of Professor Earl Carl, a founding faculty member of the Law School. Professor Carl, blind from an early age, graduated from Fisk University before going on to earn his law degree from Yale University Law School. A symbol of personal triumph over misfortune, Professor Carl is a reminder that we are limited by only the barriers we choose not to

overcome.

The Institute was initially designed to serve as a provider of resources for Thurgood Marshall students to enhance their research and writing skills. Over the past 20 years the Institute's programs have grown significantly and now also include training in legal advocacy, leadership, office management, and problem solving. The Institute promotes civil and human rights through the students' research, position papers, and other publications. A high percentage of Institute students pass the bar exam on their first attempt.

Through the production of papers, community education programs and media presentations, the Institute continues to make advances toward becoming a prominent research resource and authority with respect to its Core and Signature Project Initiatives.

From its beginning, the purpose of the Earl Carl Institute has been to meet, through an interdisciplinary approach, the legal and social needs of traditionally under-represented populations. The Institute is committed to the belief that social change can occur through a variety of educational and advocacy activities, client education, publications, and direct representation. The Institute believes problems that are intricately intertwined with the loss or impairment of individual rights can be addressed through activities that help eliminate poverty in the urban community.

Mission, Vision, and Core Beliefs of the Earl Carl Institute

1.1. The Mission of the Earl Carl Institute

The mission of the Institute is to identify, address, and offer solutions to legal and social problems that affect traditionally urban and disenfranchised communities. The Institute, through interdisciplinary scholarship and advocacy, aims to develop the leadership, research, and advocacy skills of law students to encourage public service and to enable the students to effectively address problems of underserved communities.

1.2. The Vision of the Earl Carl Institute

The vision of the Institute is to serve as one of the nation's preeminent centers for research and advocacy on legal and social issues affecting underserved communities. We will serve as a leading voice in promoting social justice and be recognized for excellence in our programs and the quality of our community engagement.

1.3. The Core Beliefs of the Earl Carl Institute

The core beliefs of the Institute are --

- to promote excellence in education using an interdisciplinary approach to create excellent future leaders who will advance social justice;
- to provide an effective service delivery component to address the needs of individual citizens and advance community representation;
- to contribute to public discourse by producing high quality significant research that enhances public policy discussions;
- to provide accessibility to the Institute and its programs in order to foster an environment that promotes equality for traditionally underserved populations; and
- to have a significant role in facilitating awareness that contributes to the advancement of civil rights and social justice.

As the Institute evolves, it continues to work towards identifying potential implementable solutions to legal and social issues disproportionately impacting the minority community. The Institute will continue to pursue, through both academic and grassroots efforts, opportunities to promote policy changes for the betterment of the urban community and to fulfill the missions of the Institute, TMSL, and TSU.

2. Structure of the Earl Carl Institute

2.1. Institute Projects and Outcomes. The Institute generally undertakes projects that are interdisciplinary in nature and have a disproportionate impact on minorities as well as one of three outcomes. These outcomes are (1) student development, (2) public policy initiatives, and (3) community education. In addition, each project is consistent with the purposes of one of the Institute's priority research areas: (1) Criminal Justice, (2) Education, (3) Family, and (4) Housing. By working in specific priority areas, the Institute seeks to create a high level of expertise in areas that significantly impact the urban community. In addition, all Institute projects support Law School strategic goals.

2.2. Institute Centers

The Institute maintains three centers: the Center for Government Law, the Center for Civil Advocacy, and the Center for Criminal Justice.

The Center for Civil Advocacy

Formerly known as the Institute for Trial Advocacy, The Center for Civil Advocacy (CCA) was established in November 2001 and provides Thurgood Marshall law students an opportunity to gain practical experience by working with clients, witnesses, lawyers and courts. Sources for cases include the Houston Volunteer Lawyers Program, Lone Star Legal Aid, Texas Appleseed, Disability Rights Texas, other legal services organizations, community based organizations and churches. The clients represented through CCA are commonly low-income individuals and families.

The CCA currently sponsors two advocacy projects: the Opal Mitchell Lee Property Preservation and Foreclosure Defense Project (OMLPPP) and the Juvenile Justice Project.

(1) *The Opal Mitchell Lee Property Preservation Program (OMLPP/OML)* was established in September of 2007, through a grant from Texas Access to Justice Foundation (TAJF). TAJF has continued to fund the project annually. The OMLPPP addresses the legal challenges lower income residents face in maintaining their real property and enhancing their wealth. The project's focus is to help economically disadvantaged communities retain and grow wealth through assistance with maintaining or obtaining real property. Studies have shown that 95% of the wealth of African Americans is in the value of their homes. The Project is supervised by a contract attorney. On average, the Institute hires two students per semester to serve as student attorneys for the project. Services include actions involving probate, adverse possession, clearing title to property, partitions, mortgage, homeowner association and tax foreclosure defense, property tax exemptions, formation of nonprofit corporations to assist with community development, and consumer debt issues.



(2) The *Earl Carl Institute Juvenile Justice Project (JJP)* provides direct legal representation to students in Class C Misdemeanor cases pending in adult Justice of the Peace and Municipal Courts in Texas. The JJP also has an educational and impact litigation component. The project seeks to highlight and reduce the burgeoning and disparate use of student tickets among minority communities and other issues related to the school-to-prison pipeline. African American students, and to a lesser extent Hispanic students, are significantly overrepresented in discretionary suspensions, disciplinary alternative school referrals, and in-school ticketing for nonviolent offenses. Recent reports of the issuance by school districts of discretionary tickets established that African American students statewide receive approximately twice the number of discretionary citations as their populations in the school districts while they receive less than their population percentages in mandatory citations. In fact, researchers, in a recent statewide study, found that African-American students had a 31 percent higher likelihood of a school discretionary action as compared to otherwise identical white and Hispanic students. The project has operated since 2009 with financial support from the Law School and grants from the Litigation Section from the State Bar of Texas (\$6,000), Texas Bar Foundation (\$45,000) and the Houston Endowment (\$86,000).

The Center for Criminal Justice

The Center for Criminal Justice (CCJ) engages in research, analysis, collaboration, and actual innocence litigation to foster a fairer and more accountable justice system. The Center uses an interdisciplinary approach to address problems in the criminal justice system that disproportionately impacts the urban community. The goals of the Center are (1) to research criminal justice reform issues and recommend more effective policies, and (2) to provide students with an opportunity to hone their advocacy skills.

The Thurgood Marshall School of Law Innocence Project (TMSLIP) is operated under the auspices of the CCJ. The Innocence Project at Thurgood Marshall School of Law (TMSLIP) was created in June of 2007. In March of 2009, the Innocence Project began operating under the Earl Carl Institute for Legal and Social Policy, Inc. TMSLIP came to Institute with only 24 open services requests while other state funded law school innocence projects averaged over 1000 requests. By July 2012, the TMSLIP had 653 open requests and is on target to have 900 open service requests by the end of the 2012-2013 academic year. Further, the TMSLIP is poised to begin litigation in three cases by the end of that academic year.

The Project promotes student development by employing a full time supervising attorney as well as numerous law student investigators who review claims of

actual innocence. Statistics show that, like most problems with our criminal justice system, the problem of wrongful conviction impacts the African American community more than any other community. The disparate impact of wrongful conviction on the African American community is shown in Texas' DNA exonerations. Of the first 45 persons whose convictions were found to be wrongful as the result of post-conviction DNA tests, more than 80% are African American.

The Center for Government Law

The Center for Government Law was established to provide integrated academic and practical skills training in government administration and regulation to law students. Preparing students for the practice of law in the public sector is a primary goal of the Center. The Center works with numerous governmental organizations on the local, state, and federal level. In addition, the Center is responsible for a report each biennial Texas Legislative session on the impact of new legislation on TSU and the urban community. It is the goal of the center to become an authority and resource on urban issues for legislators and for policy organizations.

3. Current Projects

Street Law

The TMSL STREET LAW Program is an educational, legal outreach program that trains current law students to teach law at schools throughout Houston-Harris County. The mission of the Program is to empower youth through interactive education about law, democracy, and human rights while furthering the professional development of law students. It is ECI's hope that through accurate and current knowledge, juveniles will avoid becoming involved in situations that may lead to involvement in the criminal justice system.

ECI Interdisciplinary Journal

The ECI Interdisciplinary Journal for Legal & Social Policy is an open-access peer reviewed journal that seeks to make available research and knowledge in the areas of legal and social policy to equip and empower educators and others nationwide with research driven articles that will contribute to their ability to meet the diverse needs of urban populations.

The goal of the ECI Interdisciplinary Journal for Legal & Social Policy is to further Texas Southern University's efforts to meet its charge to solve urban problems. The Journal publishes papers primarily on issues that impact legal and social policy in the urban community. The journal can be accessed at www.ecipublications.org/ijlsp. At this time, articles may be downloaded free of charge.

ECI BOARDS AND TASK FORCES

Officers

James Douglas, President
McKen Carrington, Vice President
Claude Superville, Secretary
Thomas Kleven, Treasurer

Sarah R. Guidry, Executive Director
Marcia Johnson, Executive Director Emeritus

Board of Directors

James Beard
Marguerite L. Butler
McKen V. Carrington
Okezie Chukwumerije
Fernando Colon-Navarro
Jay Cummings
James Douglas
Constance Fain
Robert L. Ford
Theo Harrington
Dannye Holley [Ad Hoc]
Anna T. James
Thomas Kleven
Ana Otero
Carlton Perkins
Docia Rudley

Staff

Lucinda R. Daniels, Associate Director - Student Development & Publications
Anthony S. Haughton, Associate Director - Center for Criminal Justice
Leonard H. O. Spearman, Jr., Associate Director - Center for Government Law
Ashley Marshall, Paralegal/Jr. Attorney, OMLPPP
Mani Nezami, Staff Attorney, Juvenile Justice Project
Silvia Tiller, Staff Attorney, OMLPPP
Jeanetta T. Washington, Sr. Admin. Assistant