

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 0005 **Caption:** relating to public school accountability, including assessment, and curriculum requirements; providing a criminal penalty

Effective Date: 6-10-2013

Application: ED 25.092 applies beginning with the 2013-2014 school year;

Statutes Affected: ED 25.092

Subject: Minimum attendance for class credit or final grade

Summary: Amends ED 25.092 to provide that a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90% of the days the class is offered;
A student who is in attendance for at least 75% but less than 90% of the days a class is offered may be given credit or a final grade for the class if the student completes a plan approved by the school's principal;

Subject:

Summary:

Subject:

Summary:

Comments: Education policy in Texas has focused on ensuring that students are academically prepared to pursue a postsecondary education. Interested parties contend that such efforts to increase the rigor of curriculum and assessments have unintentionally led to limited options for students during high school and an excessive reliance on standardized testing. In addition, many in business and industry are frustrated with the lack of applied core curriculum courses to prepare students for the growing labor demands in this state.

Current law provides for three public high school graduation plans: minimum, recommended, and distinguished. All students are required to begin high school under the recommended program, satisfying four credits each in English language arts, mathematics, science, and social studies. To opt out of this default program, students and their parents must sign a permission form.

C.S.H.B. 5 seeks to transform the current structure by creating a single diploma, the foundation program, and enable students to pursue their interests through diploma endorsements. In addition, it seeks to reduce the emphasis on testing by decreasing the number of end-of-course examinations required for graduation, and to institute school ratings that provide a clearer understanding of overall school performance.

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Janet Marton, Senior Assistant County Attorney
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Bill Number: HB 0035 **Caption:** relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes

Effective Date: 6-14-2013

Application:

Statutes Affected: PP 209.015

Subject: Regulation of land use: residential purpose

Summary: Adds PP 209.015 to prohibit a property owners' association from adopting or enforcing a provision in a dedicatory instrument that prohibits or restricts the owner of a lot on which a residence is located from using an adjacent lot owned by the property owner for residential purposes;
Requires approval of an architectural committee or POA relative to size, location, shielding, and aesthetics;
Requires owner who builds on adjacent lot to (1) include the adjacent lot in the sales agreement and transfer the lot to the new owner under the same dedicatory conditions; or
(2) restore the adjacent lot to the original condition before the addition of the improvements allowed under this section to the extent that the lot would again be suitable for the construction of a separate residence as originally platted and provided for in the conveyance to the owner;
Allows owner to sell adjacent lot separately only for purpose of new residence construction;
Provision in dedicatory instrument that violates these provisions is void;

Subject:

Summary:

Subject:

Summary:

Comments: There is a lack of specificity regarding the allowable uses of a residential lot owned by a homeowner that is adjacent to the homestead. In these circumstances, the parties note, the conveyance restrictions may be imprecise as to the otherwise allowable use of the property. H.B. 35 seeks to clarify this issue and to specify the authority of a property owners' association to regulate the use of such a lot for residential purposes.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 0174

Caption: relating to creating American Indian Heritage Day

Effective Date: 5-10-13

Application:

Statutes GV 662.056

Affected:

Subject: American Indian heritage day

Summary: Adds GV 662.056 to designate the last Friday in September as American Indian Heritage Day; regularly observed in public schools and other places to honor American Indians in Texas by appropriate ceremonies, activities, and programs;

Subject:

Summary:

Subject:

Summary:

Comments:

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Janet Marton, Senior Assistant County Attorney
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Bill Number: HB 0200 **Caption:** relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases

Effective Date: 5-16-13

Application: Applies only to a cause of action that accrues on or after 5-16-13
Applies only to an electric utility located in a county with a population of 4 million or more

Statutes Affected: CV 75.0022
CV 51.014

Subject: Limited liability of certain electric utilities

Summary: Adds CV 75.0022 to allow an electric utility to enter into an agreement with a political subdivision to allow public access to and use of the premises of the electric utility for recreation, exercise, relaxation, travel, or pleasure; By entering into the agreement the utility does not:
(1) assure the premises are safe;
(2) owe a greater duty of care than owed to a trespasser; or
(3) assume responsibility or incur liability for damages for bodily injury or death, property damage, or the acts of a third party regardless of whether the act was intentional;
Utility is liable for serious bodily injury or death caused by utility's willful or wanton acts or gross negligence with respect to a dangerous condition existing on the premises;
Attractive nuisance does not apply;

Subject: Appeal from interlocutory order

Summary: Amends CV 51.014 to allow an interlocutory order of a district court, county court at law, or county court that denies a motion for summary judgment filed by an electric utility regarding liability in a suit subject to CV 75.022, to be appealed.

Subject:

Summary:

Comments: Under current law, an owner of real property who opens the owner's land for recreational use is liable for property damage, injury, or death arising from gross negligence on the part of the property owner. Hike and bike trails in Harris County are encouraged.
Public hike and bike trails provide many benefits, including supplementing transportation infrastructure, reducing congestion, connecting communities, and encouraging a healthy lifestyle. However, acquiring real estate in an urban area that is suitable for development of hike and bike trails can be both difficult and expensive. By utilizing an electric utility's property, miles of public hike and bike trails can be constructed at virtually no cost for land. H.B. 200 seeks to establish limitations on the liability of certain electric utilities that allow public use of the utility's property for recreation and certain other purposes.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 0232 **Caption:** relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program

Effective Date: 6-14-2013

Application:

Statutes Affected: AB 106.115

Subject: Attendance at alcohol awareness course; license suspension

Summary: Amends AB 106.115 to authorize a court a court, if a defendant resides in a county with a population of 75,000 or less and access to an alcohol awareness program is not readily available in the county, to allow the defendant to take an online alcohol awareness program if the Department of State Health Services (DSHS) approves online courses, or to require the defendant to perform not less than eight hours of community service related to alcohol abuse prevention or treatment and approved by DSHS instead of attending the alcohol awareness program. Provides that community service ordered under this subsection is in addition to community service ordered under Section 106.071(d) (relating to requiring a court to order certain minors to perform community service as a punishment for an alcohol-related offense);

Authorizes a court, for purposes of Subsection (b-1), if the defendant is enrolled in an institution of higher education located in a county in which access to an alcohol awareness program is readily available, to consider the defendant to be a resident of that county. Provides that if the defendant is not enrolled in such an institution of higher education, or if the court does not consider the defendant to be a resident of the county in which the institution is located, the defendant's residence is the residence listed on the defendant's driver's license or personal identification certificate, or if none, the residence on the defendant's voter registration certificate, or if none, the residence on file with the public school district on which the defendant's enrollment is based; Provides that if the defendant is not enrolled in public school, the defendant's residence is determined as provided by Texas Alcoholic Beverage Commission rule;

Requires DSHS to create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge is authorized to sentence a defendant under Subsection (b-1);

Subject:

Summary:

Subject:

Summary:

Comments: The Alcoholic Beverage Code states that a minor placed on a deferred disposition or a minor convicted of an alcohol related offense is required to attend an alcohol awareness course approved by the court. Defendants in rural areas, however, may not have access to such a course due to a lack of approved providers in their community. Consequently, these individuals would have to travel long distances in order to meet these requirements.

C.S.H.B. 232 amends current law relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.

As amended:

AB § 106.115. Attendance at Alcohol Awareness Course; License Suspension

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Department of State Health Services under this section or a drug and alcohol driving awareness program approved by the Texas Education Agency. On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend the alcohol awareness program or a drug and alcohol driving awareness program described by this subsection. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to attend an alcohol awareness program or a drug and alcohol driving awareness program described by this subsection. If the defendant is younger than 18 years of age, the court may require the parent or guardian of the defendant to attend the program with the defendant. The Department of State Health Services:

(1) is responsible for the administration of the certification of approved alcohol awareness programs;

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(2) may charge a nonrefundable application fee for:

(A) initial certification of the approval; or

(B) renewal of the certification;

(3) shall adopt rules regarding alcohol awareness programs approved under this section; and

(4) shall monitor, coordinate, and provide training to a person who provides an alcohol awareness program.

(b) When requested, an alcohol awareness program may be taught in languages other than English.

(b-1) If the defendant resides in a county with a population of 75,000 or less and access to an alcohol awareness program is not readily available in the county, the court may allow the defendant to take an online alcohol awareness program if the Department of State Health Services approves online courses or require the defendant to perform not less than eight hours of community service related to alcohol abuse prevention or treatment and approved by the Department of State Health Services under Subsection (b-3) instead of attending the alcohol awareness program. Community service ordered under this subsection is in addition to community service ordered under Section 106.071(d).

(b-2) For purposes of Subsection (b-1), if the defendant is enrolled in an institution of higher education located in a county in which access to an alcohol awareness program is readily available, the court may consider the defendant to be a resident of that county. If the defendant is not enrolled in such an institution of higher education or if the court does not consider the defendant to be a resident of the county in which the institution is located, the defendant's residence is the residence listed on the defendant's driver's license or personal identification certificate issued by the Department of Public Safety. If the defendant does not have a driver's license or personal identification certificate issued by the Department of Public Safety, the defendant's residence is the residence on the defendant's voter registration certificate. If the defendant is not registered to vote, the defendant's residence is the residence on file with the public school district on which the defendant's enrollment is based. If the defendant is not enrolled in public school, the defendant's residence is determined as provided by commission rule.

(b-3) The Department of State Health Services shall create a list of community services related to alcohol abuse prevention or treatment in each county in the state to which a judge may sentence a defendant under Subsection (b-1).

(c) The court shall require the defendant to present to the court, within 90 days of the date of final conviction, evidence in the form prescribed by the court that the defendant, as ordered by the court, has satisfactorily completed an alcohol awareness program or performed the required hours of community service. For good cause the court may extend this period by not more than 90 days. If the defendant presents the required evidence within the prescribed period, the court may reduce the assessed fine to an amount equal to no less than one-half of the amount of the initial fine.

(d) If the defendant does not present the required evidence within the prescribed period, the court:

(1) shall order the Department of Public Safety to:

(A) suspend the defendant's driver's license or permit for a period not to exceed six months or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; or
(B) if the defendant has been previously convicted of an offense under one or more of the sections listed in Subsection (a), suspend the defendant's driver's license or permit for a period not to exceed one year or, if the defendant does not have a license or permit, to deny the issuance of a license or permit to the defendant for that period; and

(2) may order the defendant or the parent, managing conservator, or guardian of the defendant to do any act or refrain from doing any act if the court determines that doing the act or refraining from doing the act will increase the likelihood that the defendant will present evidence to the court that the defendant has satisfactorily completed an alcohol awareness program or performed the required hours of community service.

(e) The Department of Public Safety shall send notice of the suspension or prohibition order issued under Subsection (d) by first class mail to the defendant. The notice must include the date of the suspension or prohibition order, the reason for the suspension or prohibition, and the period covered by the suspension or prohibition.

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Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 0338 **Caption:** relating to the court in which a hearing regarding the towing of a motor vehicle may be held

Effective Date: 6-14-2013

Application: Applies only to a cause of action filed on or after 6-1-2013

Statutes OC 2308.453

Affected: OC 2308.455

Subject: Jurisdiction

Summary: Amends OC 2308.453 to allow a hearing to determine rights of owners and operators in towed vehicles to be in any justice court in the county from which the motor vehicle was towed, or for booted vehicles, in any justice court in the county in which the parking facility is located;

Subject: Contents of notice

Summary: Amends OC 2308.455 to require the VSF receipt to include notice of the person's right to request a hearing in any justice court in the county from which the motor vehicle was towed, or for booted vehicles, in any justice court in the county in which the parking facility is located, and the name, address, and telephone number of each justice court in the county, or the address of an internet site maintained by OCA that contains the name, address, and telephone number of each justice court in that county;

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 0346

Caption: relating to the accessing and use of electronically readable personal identification information obtained from driver's licenses or personal identification certificates

Effective Date: 6-14-2013

Application:

Statutes TN 521.126

Affected:

Subject: Electronically readable information

Summary:

Amends TN 521.126 to allow a financial institution or a business to:

- (1) access or use electronically readable information for purposes of identification verification of an individual or check verification at the point of sale for a purchase of a good or service by check;
- (2) access or use electronically readable information as part of a transaction initiated by the license or certificate holder to provide information to a check services company or fraud prevention services company for the purpose of effecting, administering, or enforcing the transaction;
- (3) access or use electronically readable information or compiles or maintains a database of that information for the purpose of effecting, administering, or enforcing the transaction if the business is a check services company or a fraud prevention services company; or
- (4) compile or maintain a database of electronically readable information, if each license or certificate holder whose information is included in the compilation or database consents to the inclusion of the person's information on a separate document, signed by the license or certificate holder, that explains in at least 14-point bold type the information that will be included in the compilation or database;

Access to electronically readable information on a driver's license is available to a person who uses the information for a law enforcement or governmental purpose;

Subject:

Summary:

Subject:

Summary:

Comments:

Texas is one of only two states that prohibit businesses from saving electronically readable information obtained from scanned driver's licenses. Because driver's license numbers rarely change, businesses can use driver's license numbers to track fraudulent and potentially fraudulent activities such as returning shoplifted or used merchandise. Return fraud costs Texas businesses approximately \$1 billion a year.

Information electronically embedded in Texas driver's licenses is the same as the information displayed on the license, which includes a unique number, a color photograph of the entire face, a brief physical description, and the license holder's address.

Under Section 512.126, Transportation Code, accessing or using electronically readable information from a driver's license or personal identification certificate, or compiling or maintaining this information in a database, is a misdemeanor offense. However, a business may access this information to verify a check or an individual's identity at the point of sale of a good or service by check.

C.S.H.B. 346 seeks to protect businesses from fraud by allowing them to scan and store electronically readable information embedded in a driver's license. It also allows businesses to provide this information to check services or fraud prevention services companies as part of a transaction initiated by the license holder. Check services and fraud prevention services companies are governed by the Fair Credit Reporting Act, and therefore any electronically readable information that they obtain would be subject to the Act's data privacy protections.

C.S.H.B. 346 amends current law relating to the accessing and use of electronically readable personal identification information obtained from driver's licenses or personal identification certificates.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 0419

Caption: relating to designating the first Friday in November as Texas Arbor Day

Effective Date: 5-18-13

Application:

Statutes GV 662.056

Affected:

Subject: Texas arbor day

Summary: Adds GV 662.056 to designate the first Friday in November of each year as Texas Arbor Day to encourage the planting and cultivation of forest, shade, and ornamental trees;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 0455 **Caption:** relating to excused absences from public school for certain students

Effective Date: 6-14-2013

Application: Applies beginning with 2013-2014 school year

Statutes Affected: ED 25.087

Subject: Excused absences

Summary: Amends ED 25.087 to require a school district to excuse a student from attending school for a temporary absence resulting from an appointment with health care professionals for the student or the student's child if the student commences classes or returns to school on the same day of the appointment;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 0483 **Caption:** relating to a public hearing held on the issue of making a payment in excess of the compensation contracted for by a political subdivision

Effective Date: 6-14-2013

Application: Applies only to a payment made by a political subdivision on or after 6-2-1013

Statutes Affected: LG 180.007

Subject: Payments in excess of contractual amount

Summary: Adds LG 180.007 to prohibit a political subdivision from paying an employee or former employee more than an amount owed under a contract unless the political subdivision holds at least one public hearing after giving notice; In the hearing, the political subdivision must state (1) the reason the payment in excess of the contractual amount is being offered to the employee or former employee, including the public purpose that will be served by making the excess payment; and (2) the exact amount of the excess payment, the source of the payment, and the terms for the distribution of the payment that effect and maintain the public purpose to be served by making the excess payment;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 0487 **Caption:** relating to liability of certain persons assisting in man-made or natural disasters

Effective Date: 5-24-13

Application:

Statutes Affected: LG 370.006

Subject: Assistance in man-made or natural disaster

Summary: Adds LG 370.006 to clarify that a person, corporation, or other private legal entity, who provides care, assistance, or advice to a city or county, including the loan or operation of construction equipment or heavy equipment, or the donation of resources necessary to address the disaster, is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice, except in a case of reckless conduct or intentional, willful, or wanton misconduct;

Subject:

Summary:

Subject:

Summary:

Comments: State law provides immunity from civil liability for a person responding to a disaster at the request of an authorized representative of a local, state, or federal agency, except in a case of reckless conduct or intentional, willful, or wanton misconduct. A recent court case has been interpreted to affirm that immunity, but there is concern that despite such protections, local officials resist accepting volunteer services while responding to hazardous or dangerous situations because of a fear of being exposed to liability suits based on a volunteer's actions. H.B. 487 seeks to address those concerns by clarifying existing law with regard to a local official's authority to request or accept assistance in a hazardous or dangerous situation and with regard to a person's immunity from liability in providing such assistance.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 0511

Caption: relating to the registration of token trailers

Effective Date: 6-14-2013

Application:

Statutes TN 502.255

Affected:

Subject: Truck-tractor or commercial motor vehicle combination fee; semitrailer token fee

Summary: Amends TN 502.255 to require TxDMV to issue a license plate for a token trailer that does not expire or require an annual registration insignia to be valid; alphanumeric pattern for a license plate may remain on a token trailer for as long as the registration of the token trailer is renewed or until the token trailer is removed from service or sold; registration receipt is not required for a vehicle that displays a license plate;

Subject:

Summary:

Subject:

Summary:

Comments: Token trailers—any trailer over 6,000 pounds pulled by a truck or cab that has apportioned or combination truck registration—may be registered in Texas, but travel well beyond the state's borders. The current system of registration requires license plate updating and the placement of paperwork on or in the trailer, which is a burden for the trailer owner, whose units may be in any number of locations outside the state, including traveling cross-country on a rail car or in Canada or Mexico. H.B. 511 creates a nonexpiring license plate and eliminates the requirements to show the expiration date on the license plate and to carry a paper registration receipt on the trailer.

Trailer owners will now be able to renew trailer registration without requiring physical access or alteration to the trailer, and law enforcement can continue to verify registration through online systems.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 0567

Caption: relating to the definition of an authorized emergency vehicle

Effective Date: 6-14-2013

Application:

Statutes TN 541.201

Affected:

Subject: Vehicles

Summary:

Amends TN 541.201 to include an emergency medical services vehicle:

- (i) authorized under an emergency medical services provider license issued by the Department of State Health Services under Chapter 773, Health and Safety Code; and
- (ii) operating under a contract with an emergency services district that requires the emergency medical services provider to respond to emergency calls with the vehicle;
within the definition of authorized emergency vehicle;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 0570 **Caption:** relating to issuance of a magistrate's order for emergency protection

Effective Date: 6-14-2013

Application:

Statutes CP 17.292

Affected:

Subject: Magistrate's Order for Emergency Protection

Summary: Amends CP 17.292 to allow the defendant to be served with a copy of the magistrate's order for emergency protection in person or electronically; the magistrate is required to make a separate record of the service in written or electronic form;

Subject:

Summary:

Subject:

Summary:

Comments: A magistrate is authorized issue an order for emergency protection when the defendant appears before the magistrate after being arrested for an offense involving family violence or certain other offenses to prevent the offender from committing further acts of violence against a victim and the victim's family members. While the law does not specify the required venue for the issuance of such an order, it requires a copy of the order to be served on the defendant in open court. These orders often are issued while the offender is imprisoned, thus serving a copy of the order to a defendant in open court could create safety concerns for the magistrate, law enforcement officers, and members of the general public present in the courtroom.

In an effort to alleviate these safety risks, H.B. 570 removes the requirement that the defendant be served a copy of the emergency order for protection in open court and provides the option of serving the copy electronically to a defendant, including a defendant in jail.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 0680

Caption: relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags

Effective Date: 6-14-2013

Application:

Statutes Affected: PP 202.001

Subject: Definitions

Summary: Amends PP 202.001 to define front yard to mean a yard within a lot having a front building setback line with a setback of not less than 15 feet extending the full width of the lot between the front lot line and the front building setback line;

Subject: Flag display

Summary: Amends PP 202.011 to prohibit a property owners' association from adopting or enforcing a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting an owner from the display of:

- (1) the flag of the United States of America;
- (2) the flag of the State of Texas; or
- (3) an official or replica flag of any branch of the United States armed forces;

but may adopt provisions that require United States and Texas flags to be flown according to applicable law; May regulate the size, number, and location of flagpoles on which flags are displayed, except that the regulation may not prevent the installation or erection of at least one flagpole per property that:

- (A) is not more than 20 feet in height and, subject to applicable zoning ordinances, easements, and setbacks of record, is located in the front yard of the property; or
- (B) is attached to any portion of a residential structure owned by the property owner and not maintained by the property owners' association; a property owner who has a front yard may elect to install either a free standing flagpole or one attached to the residential structure;

Subject:

Summary:

Comments:

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**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 0694

Caption: relating to access by certain military personnel to juvenile and criminal history information

Effective Date: 6-14-2013

Application:

Statutes GV 411.1410

Affected:

Subject: Access to criminal history record information: United States armed forces

Summary: Adds GV 411.1410 to allow an agency of the armed forces, including a recruiter, to obtain criminal history record information from TxDPS with written authorization from the applicant;
Provides that information may not further be released, and must be destroyed when the purpose for the information is accomplished;

Subject:

Summary:

Subject:

Summary:

Comments:

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**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 0719

Caption: relating to the operation of a golf cart or utility vehicle on a public highway in certain counties; authorizing a fee

Effective Date: 6-14-2013

Application: Not later than 12-31-13, DMV will establish procedure for issuance of license plates for golf carts to be used for operation on a public highway

Statutes TN 551.402

Affected: TN 551.404

Subject: Registration not authorized

Summary: Amends TN 551.402 to allow TxDMV to establish rules to issue license plates for a gold cart used for operation:
(1) in a master planned community;
(A) that has in place a uniform set of restrictive covenants; and
(B) for which a county or municipality has approved a plat;
(2) on a public or private beach; or
(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:
(A) during the daytime; and
(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course;

Subject:

Summary:

Subject:

Summary:

Comments:

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**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 0802

Caption: relating to the definition of an authorized emergency vehicle

Effective Date: 6-14-2013

Application:

Statutes TN 541.201

Affected:

Subject: Vehicles

Summary: Amends TN 541.201 to expand the definition of "authorized emergency vehicle" to include a county owned or county leased emergency management vehicle that has been designated or authorized by commissioners court;

Subject:

Summary:

Subject:

Summary:

Comments:

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Janet Marton, Senior Assistant County Attorney
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Bill Number: HB 1009 **Caption:** 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

Effective Date: 6-14-2013

Application: Commission on Law Enforcement Officer Standards and Education must establish a school marshal training program not later than 1-1-2014

Statutes Affected: CP 2.127
ED 37.0811
OC 1701.260

Subject: School marshals

Summary: Adds CP 2.127 to allow a school marshal to make arrests and exercise authority of a peace officer, subject to regulations adopted by ISD board of trustees or governing body of open enrollment charter school, only as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises; a school marshal may not issue a traffic citation; Person serving as school marshal must be licensed by Commission on Law Enforcement Officer Standards and Education and appointed by ISD trustees or governing body of open enrollment charter school;

Subject: School marshals

Summary: Adds ED 37.0811 to allow ISD board of trustees or governing body of open enrollment charter school to appoint not more than 1 school marshal per 400 students in average daily attendance per campus; School marshal may carry a handgun on school premises of a specific school per regulations of ISD board of trustees or governing body of charter school; school marshal may not carry a concealed handgun if the primary duty involves regular, direct contact with students; handgun may be left in a safe within immediate reach when conducting duties; handgun can be loaded only with frangible ammunition; School marshal may access handgun only under circumstances that would justify the use of deadly force; Identity of school marshal is confidential;

Subject: Training for holders of license to carry concealed handgun; certification of eligibility for appointment as school marshal

Summary: Adds OC 1701.260 to require the Commission on Law Enforcement Officer Standards and Education to establish a training program for any employee of a school district or open enrollment charter school who holds a license to carry a concealed handgun;
Program includes 80 hours of instruction designed to:
(1) emphasize strategies for preventing school shootings and for securing the safety of potential victims;
(2) educate a trainee about legal issues relating to the duties of peace officers and the use of force or deadly force in the protection of others;
(3) introduce the trainee to effective law enforcement strategies and techniques;
(4) improve the trainee's proficiency with a handgun; and
(5) enable the trainee to respond to an emergency situation requiring deadly force, such as a situation involving an active shooter;
Commission must devise and administer psychological exam to determine whether trainee is psychologically fit; Commission must license as a school marshal a trainee who completes training and is psychologically fit; License expires on first birthday after 2nd anniversary of license date; renewal requires renewal course; Commission shall inform the DPS, employer, city police chief, and sheriff of each person licensed as a school marshal;

Comments: In light of the recent Sandy Hook Elementary School shooting, reported to be the most deadly shooting at a public elementary school and the second-deadliest school shooting in U.S. history, school safety and the protection of America's children have become critical issues of concern for parents, administrators, lawmakers, and members of the public. Interested parties note that there are limited school safety options for school districts in Texas. Some larger school districts employ a dedicated police force tasked with protecting all schools in the district, and others use school resource officers. It has been observed that a few schools have adopted policies that allow teachers who are concealed handgun license holders to carry a firearm in school buildings and on school grounds.
In an effort to provide an additional option for protecting students, faculty, and other staff in Texas schools, H.B. 1009 seeks to authorize a school district or open-enrollment charter school to appoint school marshals to prevent or abate the commission of an offense in the event of a life-threatening situation that occurs on school premises. School marshals would be required to successfully complete a rigorous training course administered by the

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and required to be certified by TCLEOSE to be eligible for appointment.

"School marshal" means a person employed and appointed by the board of trustees of a school district or the governing body of an open-enrollment charter school under Article 2.127, Code of Criminal Procedure, and in accordance with and having the rights provided by Section 37.0811, Education Code.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 1020

Caption: relating to the certification of alcohol awareness programs required for minors convicted of or receiving deferred disposition for certain alcohol offenses

Effective Date: 6-14-2013

Application:

Statutes AB 106.115

Affected:

Subject: Attendance at alcohol awareness course; license suspension

Summary: Amends AB 106.115 to require the court to require the defendant placed on deferred for public intoxication or an alcohol related offense to attend an alcohol awareness program approved by the Department of State Health Services or a drug and alcohol driving awareness program approved by the Texas Education Agency; Requires the court to require a convicted defendant who has not been previously convicted of these offenses to attend an alcohol awareness program or a drug and alcohol driving awareness program; if the defendant has been previously convicted, the court may require the defendant's attendance at an alcohol awareness program or a drug and alcohol driving awareness program; Makes the Department of State Health Services responsible for administration of the certification of approved alcohol awareness programs;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 1188 **Caption:** relating to limiting the liability of persons who employ persons with criminal convictions

Effective Date: 6-14-2013

Application: Applies only to a cause of action that accrues on or after 5-30-2013

Statutes Affected: CV 142.001 et seq

Subject: Limitation on liability for hiring employee convicted of offense

Summary: Adds CV 142.002 to prohibit a cause of action against an employer, general contractor, premises owner, or other third party solely for negligently hiring or failing adequately to supervise an employee who has been convicted of an offense;
Allows a cause of action for negligent hiring or failure to supervise if:
(1) the employer, general contractor, premises owner, or other third party knew or should have known of the conviction; and
(2) the employee was convicted of:
(A) an offense that was committed while performing duties substantially similar to those reasonably expected to be performed in the employment, or under conditions substantially similar to those reasonably expected to be encountered in the employment, taking into consideration the factors listed in OC 53.022 -
(1) the nature and seriousness of the crime;
(2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.
and OC 53.023(a) -
(1) the extent and nature of the person's past criminal activity;
(2) the age of the person when the crime was committed;
(3) the amount of time that has elapsed since the person's last criminal activity;
(4) the conduct and work activity of the person before and after the criminal activity;
(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
(6) other evidence of the person's fitness, including letters of recommendation from:
(A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
(B) the sheriff or chief of police in the community where the person resides; and
(C) any other person in contact with the convicted person
without regard to whether the occupation requires a license;
(B) an offense listed in CP 42.12-3g -
murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, controlled substance offenses, sexual assault, injury to a child, elderly, disabled person, sexual performance by a child, criminal solicitation, compelling prostitution, trafficking of persons, or use of a deadly weapon;
or
(C) a sexually violent offense;

Subject:

Summary:

Subject:

Summary:

Comments: Currently, a person with a criminal record seeking employment will receive less than half as many job offers as a person without a criminal record. Many employers view an applicant with a criminal record as a potential liability in negligent hiring actions and may disregard such individuals as potential employees. Employment protection policies may enhance public safety, raise employment levels, decrease recidivism, and allow job seekers with criminal records to become self-sufficient, law-abiding citizens. In addition, employers could benefit from having more options when hiring, and thus increase the employer's efficiency and profitability.

H.B. 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 third party based solely on evidence that an employee has been convicted of an offense.

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**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

The bill's provisions 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, if the employer, general contractor, premises owner, or other third party knew or should have known of the conviction and if the employee was convicted of an offense to which judge-ordered community supervision does not apply; a sexually violent offense; or an offense that was committed while performing duties substantially similar to those reasonably expected to be performed in the employment, or under conditions substantially similar to those reasonably expected to be encountered in the employment, taking into consideration certain specified factors.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 1222 **Caption:** relating to venue for certain alleged violations or offenses under the Water Safety Act

Effective Date: 5-25-13

Application: Applies only to a violation that occurs on or after 5-25-13

Statutes Affected: PW 31.126

Subject: Venue

Summary: Amends PW 31.126 to include a municipal court among the courts having venue of a violation of the Water Safety Act;

Subject:

Summary:

Subject:

Summary:

Comments: The Water Safety Act (Act) provides for various measures, including criminal penalties to protect public safety on Texas waterways. Under current law, venue for any alleged violation or offense under the Act is restricted to the justice court or county court that has jurisdiction where the violation or offense occurred.

H.B. 1222 adds a municipal court as an authorized venue for such violations and offenses in an effort to make the system used to enforce water safety laws more closely resemble the efficient and effective system that has been implemented with regard to policing the roads and highways.

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**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 1241 **Caption:** relating to the adoption of rules by the Parks and Wildlife Commission to protect the public water of this state from the spread of aquatic invasive species

Effective Date: 6-14-2013

Application:

Statutes Affected: PW 66.0073

Subject: Rules requiring water to be drained

Summary: Adds PW 66.0073 to allow the PW Commission to adopt rules requiring a person leaving or approaching public water to drain any water that has been collected from or has come into contact with public water from a vessel or portable container on board the vessel; does not apply to salt water; Commission shall consider effects of rules on boaters and local interests while maintaining ability to prevent the spread of harmful exotic fish, shellfish, and aquatic plants;

Subject:

Summary:

Subject:

Summary:

Comments: Even though the Texas Parks and Wildlife Department regulates the possession and transport of certain harmful aquatic species, it can be difficult to apply such regulation to the microscopic life stages of aquatic species. There are concerns that harmful, or even potentially harmful, aquatic species are a major environmental and industrial threat, with an estimated potential economic impact in the billions of dollars. In addition, experts note that rapidly proliferating harmful aquatic species may be spread through the transport of water in live wells, cooling systems, or other intake systems of boats that are operated on infested waters and subsequently operated on unaffected waters. H.B. 1241 seeks to give the Parks and Wildlife Commission certain rulemaking authority to address this issue in freshwater bodies.

PW § 66.012. Penalties
(a) Except as otherwise provided by this section, a person who violates a provision of this subchapter or a rule adopted by the commission under this subchapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 1263

Caption: relating to the delay in the implementation of the abolishment of small claims courts

Effective Date: 04-10-2013

Application:

Statutes GV 27.060

Affected: GV 27.061
GV 28 Repealed

Subject: Small claims

Summary: Adds GV 27.060 to require the supreme court to promulgate rules of practice in justice courts that govern small claims cases no later than May 1, 2013;

Subject: Repeal of Chapter 28, Government Code

Summary: Delays the repeal of Chapter 28 of the Government Code, Small Claims Court, until August 31, 2013;
Delays the implementation of Rules of Practice in Justice Courts until August 31, 2013.

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 1479

Caption: relating to establishing a committee in certain counties to recommend a uniform truancy policy

Effective Date: 6-14-2013

Application: Expires January 1, 2016; Applies to Bexar County

Statutes ED 25.0916

Affected:

Subject: Uniform truancy policies in certain counties

Summary: Adds ED 25.0916 to require counties (1) with a population greater than 1.5 million; and (2) that includes at least: (A) 15 school districts with the majority of district territory in the county; and (B) one school district with a student enrollment of 50,000 or more and an annual dropout rate spanning grades 9-12 of at least five percent, to establish a committee to recommend a uniform truancy policy for each school district located in the county;

Not later than 9-1-2013, the county judge and the mayor of the municipality in the county with the greatest population shall each appoint one member to serve on the committee as a representative of each of the following:

- (1) a juvenile district court;
- (2) a municipal court;
- (3) the office of a justice of the peace;
- (4) the superintendent or designee of an independent school district;
- (5) an open-enrollment charter school;
- (6) the office of the district attorney; and
- (7) the general public;

Not later than September 1, 2014, the committee shall recommend:

- (1) a uniform process for filing truancy cases with the judicial system;
- (2) uniform administrative procedures;
- (3) uniform deadlines for processing truancy cases;
- (4) effective prevention, intervention, and diversion methods to reduce truancy and referrals to a county, justice, or municipal court;
- (5) a system for tracking truancy information and sharing truancy information among school districts and open-enrollment charter schools in the county; and
- (6) any changes to statutes or state agency rules the committee determines are necessary to address truancy;

Compliance with the committee recommendations is voluntary;

The committee's presiding officer shall issue a report not later than December 1, 2015, on the implementation of the recommendations and compliance with state truancy laws by a school district located in the county;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 1607

Caption: relating to the authority of the commissioners court of a county to alter speed limits on county roads

Effective Date: 6-14-2013

Application:

Statutes TN 545.355

Affected:

Subject: Authority of county commissioners court to alter speed limits

Summary: Amends TN 545.355 to allow commissioners court to establish a speed limit of not more than 70 miles per hour, rather than not more than 60 miles per hour, in order to modify the rule that an operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing;

Subject:

Summary:

Subject:

Summary:

Comments: Current state law sets the maximum speed limit allowed on certain county roads or highways at 60 miles per hour, but some of these roads are designed and constructed for higher speed limits.

H.B. 1607 amends current law relating to the authority of the commissioners court of a county to alter speed limits on county roads.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 1728

Caption: relating to the use of an unsworn declaration, the disposition of certain court exhibits, and the seal of a constitutional county court or county clerk

Effective Date: 6-14-2013

Application:

Statutes Affected: CV 132.001

Subject:

Unsworn declaration

Summary:

Amends CV 132.001 to prohibit the use of an unsworn declaration in connection with a lien to be filed with a county clerk, an instrument concerning real or personal property required to be filed with the county clerk, or an oath of office or oath required to be taken before a specified official other than a notary;

Subject:

Summary:

Subject:

Summary:

County clerks are seeing an increase in the number of documents filed without notaries that potentially place fraudulent liens on properties. As a result, there is a need to update current law regarding the use of unsworn declarations to prevent this fraud.

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 1759 **Caption:** relating to a correction, clarification, or retraction of incorrect information published

Effective Date: 6-14-2013

Application: Applies to information published on or after ___

Statutes Affected: CV 73.051 et seq

Subject: Request for correction, clarification, or retraction

Summary: Adds CV 73.051 et seq to create the Defamation Mitigation Act to provide a method for a person who has been defamed by a publication or broadcast to mitigate any perceived damage or injury;

Adds CV 73.055 to allow a person to maintain an action for defamation only if:

(1) the person has made a timely and sufficient request for a correction, clarification, or retraction from the defendant (prior to the expiration of the S/L); or

(2) the defendant has made a correction, clarification, or retraction;

If no request for correction, clarification, or retraction was made before the 90th day after knowledge of the publication, no exemplary damages may be recovered;

Notice must be given to the publisher pointing out the statement that is false and defamatory and specifying the circumstances causing a defamatory meaning;

Publisher may request reasonably available information regarding the falsity not later than the 30th day after request to correct, clarify, or retract;

A correction, clarification, or retraction is sufficient if it is published in same manner and medium as original publication, or in a manner or medium reasonably likely to reach substantially the same audience, and acknowledges the statement is erroneous, and publisher disclaims an intent to communicate a defamatory meaning, or publisher identifies the person who made the statement and disclaims an intent to assert the truth of the statement, or the publisher publishes the requestor's statement of the facts;

A correction, clarification, or retraction made as required, prohibits the recovery of exemplary damages unless the publication was made with actual malice;

Subject:

Summary:

Subject:

Summary:

Comments: Restoring one's reputation is at the heart of any defamation dispute. The idea of mitigating the impact of publication errors through a retraction has been the subject of legislation in 30 other states dating back as far as 1882. Establishing a framework for how and when a retraction is warranted has led to less litigation and standards by which a retraction must be published to make the subject of defamation whole. In 1993, the Uniform Law Commission adopted the Uniform Correction or Clarification of Defamation Act which this bill patterned after.

C.S.H.B. 1759 encourages individuals to come forward in a timely manner if a mistake has been made in a publication and gives the publisher the opportunity to correct false content believed to have damaged the individual's reputation. It encourages publishers to correct mistakes in a timely and prominent manner intended to reach the same audience the original publication reached. It limits damages if a retraction is run in accordance with the statute but has no impact on existing law if the publication was made with actual malice. It applies to all defamation claims, whether a public or private figure, media or non-media publisher, thus establishing a simplified structure for the prompt resolution of all disputes. The bill also requires permanent attachment of the retraction if published on the Internet. The purpose of the bill is to bring forth the early resolution of claims for harm to reputation by restoring a person's reputation more quickly and more thoroughly than our current system provides for.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 2021 **Caption:** relating to the authority of a municipality or county to collect unpaid court costs in civil cases

Effective Date: 6-14-2013

Application: Does not apply to commercial bail bonds

Statutes Affected: LG 140.009

Subject: Contract for collection of amounts in civil cases

Summary: Adds LG 140.009 to allow commissioners court to contract with a private attorney or vendor for the collection of amounts owed to the county relating to civil case, including an unpaid fine, fee, or court costs, if more than 60 days past due;
County may authorize the addition of a collection fee of 30% of the amount referred;
Does not apply to the collection of commercial bail bonds;

Subject:

Summary:

Subject:

Summary:

Comments: Interested parties have raised concerns regarding the lack of available tools to recover those unpaid court costs on civil cases compared to the available tools to recover the respective costs for criminal cases. Interest has been shown regarding outsourcing for the collection of these amounts in a manner similar to the outsourcing of the collection of criminal court costs in which a collection fee may be added to the amounts to be collected. The parties contend, however, that outsourcing currently is an unattractive option in civil cases as the court will forfeit a significant portion of the recovered amount to pay the contractor fees, since such fees must come out of the court costs to be collected. H.B. 2021 provides a means for a municipality or county to collect unpaid court costs in civil cases.

H.B. 2021 amends current law relating to the authority of a municipality or county to contract for the collection of certain amounts, and authorizes a fee.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 2058 **Caption:** relating to the administration of a high school equivalency examination

Effective Date: 6-14-2013

Application: Applies beginning with the 2013-2014 school year

Statutes ED 7.111

Affected:

Subject: High school equivalency examination

Summary: Amends ED 7.111 to allow an 18 year old to take the examination online;

Subject:

Summary:

Subject:

Summary:

Comments: Under current law, high school equivalency testing allows an adult lacking a high school diploma to earn a certificate of high school equivalency. Recent legislation prohibits a person under 18 years of age from taking the high school equivalency examination online. Interested parties note that county juvenile probation departments administer high school equivalency examinations to students at risk of dropping out, many of whom are 16 or 17 years of age, but who are now prohibited from taking the examination in a manner in which it is commonly administered.

H.B. 2058 seeks to address this and other related issues by clarifying the current exceptions for the high school equivalency examination and allowing certain individuals under 18 years of age in the custody of a state agency under court order to take the examination online.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 2268
Effective Date: 6-14-2013

Caption: 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

Application:

Statutes Affected: CP 18.02

Subject: Grounds for issuance (of search warrant)

Summary: Amends CP 18.02 to include the following among those items for which a search warrant may be issued:
(13) electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage;

"Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term does not include:

- (A) a wire or oral communication;
- (B) a communication made through a tone-only paging device; or
- (C) a communication from a tracking device;

"Electronic storage" means any storage of electronic customer data in a computer, computer network, or computer system, regardless of whether the data is subject to recall, further manipulation, deletion, or transmission, and includes any storage of a wire or electronic communication by an electronic communications service or a remote computing service;

"Wire communication" means an aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such a connection in a switching station, furnished or operated by a person authorized to engage in providing or operating the facilities for the transmission of communications as a communications common carrier;

"Electronic customer data" means data or records that:

- (A) are in the possession, care, custody, or control of a provider of an electronic communications service or a remote computing service; and
- (B) contain:
 - (i) information revealing the identity of customers of the applicable service;
 - (ii) information about a customer's use of the applicable service;
 - (iii) information that identifies the recipient or destination of a wire communication or electronic communication sent to or by the customer;
 - (iv) the content of a wire communication or electronic communication sent to or by the customer; and
 - (v) any data stored by or on behalf of the customer with the applicable service provider;

"electronic storage," and "wire communication" have the meanings assigned by Article 18.20, and "electronic customer data"

Subject: Warrant issued in this state for stored customer data or communications

Summary: Adds CP 18.21 Sec. 5A applicable to a warrant for government access to stored communications to obtain electronic customer data, including the contents of a wire communication or electronic communication; Allows only a district judge to issue a search warrant for electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communications service or a provider of a remote computing service regardless of whether the customer data is held at a location in this state or at a location in another state;

Subject:

HB 2268

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Summary:

Comments: Internet communications companies often hold information and data vital to prosecute an offense under state law, particularly relating to internet crimes. Although the certain electronic communications may take place within a state, law enforcement officers must apply for a local search warrant in an internet company's jurisdiction, often found out of state. This limitation hampers law enforcement's efforts to obtain evidence on internet criminals, who are able to remove or change identifying data much faster than law enforcement can obtain warrants. In response to this problem, several other states including Florida, California, and Minnesota have enacted computer data warrant statutes that take advantage of "long-arm," or out-of-state, jurisdiction when dealing with internet data.

There are limited purposes for which traditional search warrants may be obtained, and C.S.H.B. 2268 adds customer data, transactional data, and content of communications related to electronic or wire communication providers to the list of grounds for issuance of a search warrant found in Article 18 of the Code of Criminal Procedure. The bill also creates a data search warrant which operates differently from a traditional search warrant in three ways. First, a data search warrant allows employees of the electronic communication company that is subject of the warrant to perform the search rather than a peace officer. Second, the data search warrant extends the time allowed to serve the warrant on the company's representative. The bill also provides a timeline for return of the data sought. In addition, C.S.H.B. 2268 extends the jurisdiction of district judges by granting them privileges to issue data search warrants beyond the physical boundaries of the state for computer data searches only.

The bill also reciprocates the electronic data search warrant process with other states already implementing similar statutes, which would allow Texas to serve data search warrants directly to out of state companies as well.

C.S.H.B. 2268 amends current law 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.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: HB 2649 **Caption:** relating to the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals

Effective Date: 6-14-2013

Application: Applies only to an offense committed on or after 6-2-2013

Statutes Affected: PW 43.062

Subject: Penalty

Summary: Amends PW 43.062 to create an offense if a person violates:
(1) a rule relating to a reporting requirement for a permit issued under Subchapter E, Permits for Trapping, Transporting, and Transplanting Game Animals and Game Birds, PW 43.061 - PW 43.062; or
(2) a term of a permit issued under Subchapter E, Permits for Trapping, Transporting, and Transplanting Game Animals and Game Birds, PW 43.061 - PW 43.062 relating to a reporting requirement;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 2772

Caption: relating to an interim study regarding the method by which certain judicial officers are selected

Effective Date: 6-14-2013

Application:

Statutes

Affected:

Subject:

Summary:

Establishes the joint interim committee on judicial selection to study and review the method by which the following judicial officers are selected in Texas:

- (1) statutory county court judges, including statutory probate court judges;
- (2) district judges; and
- (3) appellate justices and judges;

Committee composed of six senators and six members of the house of representatives as follows:

- (1) the chair of the senate jurisprudence committee, the chair of the senate criminal justice committee, and four senators appointed by the lieutenant governor; and
- (2) the chair of the judiciary and civil jurisprudence committee of the house of representatives, the chair of the criminal jurisprudence committee of the house of representatives, and four members of the house of representatives appointed by the speaker of the house of representatives;

Options to be studied include:

partisan elections;
selection methods by other states;
lifetime appointment; appointment for a term;
appointment for a term, followed by a partisan election;
appointment for a term, followed by a nonpartisan election;
appointment for a term, followed by a nonpartisan retention election;
partisan election for an open seat, followed by a nonpartisan retention election for incumbents; and
any other method;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: HB 3176

Caption: relating to the appointment of a board member of a property owners' association to fill a vacancy

Effective Date: 6-14-2013

Application:

Statutes PP 209.00593

Affected:

Subject: Election of board members

Summary: Amends PP 209.00593 to allow the appointment of a member to fill any vacant position on the board of directors; a board member appointed to fill a vacant position shall serve for the remainder of the unexpired term of the position;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0146

Caption: 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

Effective Date: 6-14-2013

Application: Applies to a person who applies to reside in on-campus housing at a public institution of higher education for an academic period that begins on or after ____

Statutes GV 411.0945

Affected:

Subject: Access to criminal history record information: Public institution of higher education; on-campus student housing

Summary: Adds GV 411.0945 to allow an institution of higher education to obtain criminal history record information that relates to a student, or to an applicant for admission as student, who applies to reside in on-campus housing, from TxDPS;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0174 **Caption:** relating to the control of stray bison and other estrays

Effective Date: 5-10-13

Application:

Statutes Affected: AG 142.001 et seq

Subject: Definitions

Summary: Amends AG 142.001 to include stray bison in the definition of "estrays;"
Defines "perilous condition" to mean a circumstance or condition in which capture and impoundment of an estray presents an immediate threat to law enforcement personnel or to the health of the estray;

(Under AG 142.006, if the owner of the estray and the owner or occupant of the property are unable to agree to a redemption payment, either party may file a petition in the justice court having jurisdiction and have the amount of the payment determined by the justice of the peace;)

Subject: Discovery of estray; notice

Summary: Amends AG 142.003 to allow the sheriff to impound an estray if the owner does not immediately remove the estray discovered on public property, or if a perilous condition exists, to proceed with disposition.

Subject: Disposition of estray under perilous condition

Summary: Adds AG 142.015 to provide that a sheriff does not have to impound an estray if a perilous condition exists, and may immediately dispose of the estray by any means without notifying the owner; sheriff must file report of disposition in county estray records;

Comments: Stray bison are not included in the list of animals protected under the estray law. They hypothesize that this omission is likely because bison have long been regarded as wildlife and have not traditionally been owned as private property. The parties report that under the current classification, when a bison roams from its owner's land onto another person's property, that property owner is not required to provide certain notice of the bison, as is the case with certain livestock under the estray law, and may dispose of the animal as the property owner sees fit.

S.B. 174 seeks to revise and update the law relating to estrays.

Under AG 142.006, the owner or occupant of property on which an estray is found, held, or impounded is entitled to receive from the owner of the estray the payment of a reasonable amount for maintenance and damages, if the original notice of the discovery of the estray was given to the sheriff not later than the fifth day after the date of discovery.

If the owner of the estray and the owner or occupant of the property are unable to agree to a redemption payment, either party may file a petition in the justice court having jurisdiction and have the amount of the payment determined by the justice of the peace

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0181

Caption: relating to verification of motor vehicle financial responsibility information

Effective Date: 5-24-13

Application:

Statutes TN 601.053

Affected:

Subject: Evidence of financial responsibility

Summary: Amends TN 601.053 to allow the operator of a motor vehicle to provide evidence of financial responsibility by exhibiting an image displayed on a wireless communication device that includes:

- (1) the name of the insurer;
- (2) the insurance policy number;
- (3) the policy period;
- (4) the name and address of each insured;
- (5) the policy limits or a statement that the coverage of the policy complies with the minimum amounts of motor vehicle liability insurance required by this chapter; and
- (6) the make and model of each covered vehicle;

Prohibits an officer from issuing a citation unless the officer attempts to verify financial responsibility through TexSure, if accessible;

Prohibits an officer from accessing contents of a wireless communication device used to provide evidence of financial responsibility except to view the financial responsibility information;

Allows a court to requiring a person to provide a paper copy of the evidence of financial responsibility in a hearing or trial or in discovery;

Subject:

Summary:

Subject:

Summary:

Comments: Current law requires the operator of a motor vehicle, on request, to provide evidence of financial responsibility to a peace officer or to a person involved in an accident with the operator. Evidence of financial responsibility may be exhibited through a liability insurance policy or a photocopy of such a policy, a standard proof of motor vehicle liability insurance provided by the Texas Department of Insurance, an insurance binder that confirms the operator is in compliance, a surety bond certificate, a certificate of deposit with the comptroller of public accounts covering the vehicle, a copy of the certificate of deposit, or a certificate of self-insurance covering the vehicle issued. C.S.B. 181 seeks to increase options for displaying evidence of financial responsibility by allowing a driver to show proof of insurance on a wireless communication device.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0223

Caption: relating to designation of certain vehicles of the Texas Division of Emergency Management as authorized emergency vehicles

Effective Date: 5-10-13

Application:

Statutes TN 541.201

Affected: TN 546.0065

Subject: Vehicles

Summary: Amends TN 541.201 to include those vehicles of the Texas Division of Emergency Management that have been designated by DPS as an authorized emergency vehicles, within the definition of "authorized emergency vehicle;"

Subject: Authorized Emergency Vehicle of the Texas Division of Emergency Management

Summary: Adds TN 546.0065 to require DPS to designate vehicles of the Texas Division of Emergency Management that may be operated as authorized emergency vehicles;

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0260

Caption: 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

Effective Date: 6-14-2013

Application:

Statutes Affected: ED 25.087

Subject:

Excused absences

Summary:

Amends ED 25.087 to require a school district to excuse a student whose parent, stepparent, or legal guardian is an active duty member of the military and has been called to duty for, is on leave from, or is immediately returned from continuous deployment of at least four months outside the residence, to visit; the excused absence is for no more than 5 days in a school year;

The excused absence must be taken not earlier than the 60th day before the date of deployment, or not later than the 30th day after the date of return from deployment;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0265

Caption: relating to bond requirements for county officers and employees, district attorneys, and criminal district attorneys

Effective Date: 5-18-13

Application:

Statutes LG 88.008

Affected:

Subject: Self-insurance instead of bond

Summary: Adds LG 88.008 to provide that, notwithstanding any other law requiring a bond, a county officer or employee is not required to execute the bond and may perform the duties of office or employment if (1) commissioners court authorizes the county to self-insure against losses that would have been covered by the bond, and (2) the county judge approves the order if the county judge was required to approve the bond;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0354 **Caption:** relating to permitting electronic delivery of certain documents in a criminal case

Effective Date: 5-18-13

Application: Apply to a document delivered, filed, or served on or after 5-18-13

Statutes CP 38.41
Affected: CP 38.42

Subject: Certificate of analysis

Summary: Amends CP 38.41 to include secure electronic mail among the delivery methods by which notice of the filing of a certificate of analysis is provided to the opposing party;

Subject: Chain of custody affidavit

Summary: Amends CP 38.42 to include secure electronic mail among the delivery methods by which notice of the filing of a chain of custody affidavit is provided to the opposing party;

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0366

Caption: relating to the authority of political subdivisions to offer certain deferred compensation plans to employees

Effective Date: 5-18-13

Application:

Statutes GV 209.1025

Affected: GV 609.1175

Subject: Roth contribution programs

Summary: Adds GV 609.1025 to allow a political subdivision to establish a qualified Roth contribution program under which an employee may designate all or a portion of the employee's contribution under a 401(k) plan as a Roth contribution at the time the contribution is made, or convert all or a portion of the employee's previous contribution to a Roth contribution;

Subject: Loans under 457 plan

Summary: Adds GV 609.1175 to allow a 457 plan administrator to develop and implement procedures to allow a qualified vendor to lend money to a participating employee;

Subject:

Summary:

Comments: Currently, political subdivisions are allowed to establish only traditional deferred compensation plans and not qualified Roth contribution plans. There are concerns that some political subdivisions, without realizing they did not have the authority to do so, have implemented Roth contribution programs in their deferred compensation plan offerings in accordance with federal law. There are additional concerns that the plan administrator of a 457 plan does not have the authority to allow a qualified vendor to lend money to an employee participating in such a plan. S.B. 366 seeks to give political subdivisions more freedom in the administration of their deferred compensation plans.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0367 **Caption:** relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests

Effective Date: 5-18-13

Application: Applies to personal property seized or taken into custody on or after 5-18-13

Statutes Affected: CP 18.17

Subject: Disposition of abandoned or unclaimed property

Summary: Amends CP 18.17 to allow a law enforcement agency to provide a notice to a defendant arrested for an offense punishable as a Class C misdemeanor, at the time the defendant is taken into custody or released from custody, describing the property being held by the law enforcement agency, the address where the property is being held, and a statement that if the owner does not claim the property before the 31st day after the date the owner is released from custody, the property will be disposed of and the proceeds placed in the treasury after deducting reasonable expenses for keeping and disposing of the property; If the property is not claimed before the 31st day after the owner is released from custody, the law enforcement agency must deliver the property to the purchasing agent who may sell or donate the property without further notice;

Subject:

Summary:

Subject:

Summary:

Comments: Class C prisoners may be booked into jail with property that is too large to be stored in the jail. These items, such as large bags, bicycles, and hard hats, must be taken to a property room for storage. These items are not held as evidence, but instead are simply stored for safekeeping until the individual is released.

Current law requires a person designated by a municipality to mail a notice to the last known address of the owner of abandoned or unclaimed property by certified mail. This notice provides a description of the property held and states that if the owner does not claim such property within 90 days from the date of the notice, such property will be disposed of. A provision to allow notification in person is absent in current law.

S.B. 367 provides a more effective and efficient means of providing notice to persons arrested for misdemeanors—a written notice at the time the prisoner is released. This legislation adds a provision to Section 18.17 (Disposition of Abandoned or Unclaimed Property), Code of Criminal Procedure, to allow the option of presenting a written notice in person to an individual being released from jail on a misdemeanor offense. If the written notice is presented and signed for by the property owner, the time frame for claiming the property is reduced from 90 days to 30 days.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0389 **Caption:** relating to the imposition of court costs in certain criminal proceedings

Effective Date: 6-14-2013

Application: Applies to a defendant convicted of an offense in a district, county, or statutory county court on or after 6-14-2013

Statutes Affected: GV 51.608

Subject: Imposition of court costs in criminal proceedings

Summary: Adds GV 51.608 to provide that notwithstanding any other law establishing court costs collected by a clerk of a district, county, or statutory county court in a criminal case, the amount of a court costs imposed on the defendant must be the amount established under the law in effect on the date the defendant is convicted of the offense;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0390 **Caption:** 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

Effective Date: 6-14-2013

Application: Applies only to a law imposing or changing the amount of a court cost or fee that takes effect on or after 6-14-2013

Statutes Affected: GV 51.607

Subject: Implementation of new or amended court costs and fees

Summary: Amends GV 51.607 to repeal subsection (d) which provided:
(d) This section does not apply to a court cost or fee if the law imposing or changing the amount of the cost or fee:
(1) expressly provides that this section does not apply to the imposition or change in the amount of the cost or fee; or
(2) takes effect before August 1 or after the next January 1 following the regular session of the legislature at which the law was enacted.

Subject:

Summary:

Subject:

Summary:

Comments: Current law requires that all new criminal court costs imposed during a legislative session become effective on January 1 of the following year. However, there is an exception to this requirement for certain court costs. This exception complicates an already confusing criminal court cost structure by requiring court clerks to charge different costs during various times of the year. S.B. 390 seeks to enact a recommendation of the Texas Judicial Council to repeal the exception so that all new legislatively enacted criminal costs, among other costs and fees, become effective on January 1.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0422

Caption: relating to service of citation on a financial institution

Effective Date: 5-2-13

Application:

Statutes CV 17.028

Affected:

Subject: Service on Financial Institutions

Summary: Amends CV 17.028 to provide that citation is served on a financial institution by serving the registered agent or the president or branch manager;

Subject:

Summary:

Subject:

Summary:

Comments: Process service requirements for claims against a financial institution are now required to be served on an institution's registered agent.

As amended:

CV § 17.028. Service on Financial Institutions

(a) In this section, "financial institution" has the meaning assigned by Section 201.101, Finance Code.

(b) Except as provided by Subsection (c), citation may be served on a financial institution by:

(1) serving the registered agent of the financial institution; or

(2) if the financial institution does not have a registered agent, serving the president or a branch manager at any office located in this state.

(c) Citation may be served by:

(1) serving the registered agent of the credit union; or

(2) if the credit union does not have a registered agent, serving the president or vice president.

(d) If citation has not been properly served as provided by this section, a financial institution may maintain an action to set aside the default judgment or any sanctions entered against the financial institution.

(e) A citation served on a credit union that is located in a place of worship may not be served during a worship service.

(f) Service on and delivery to a financial institution of claims against a customer of the financial institution are governed by Section 59.008, Finance Code.

A financial institution is a bank, savings and loan association, federal savings and loan association, federal savings bank, or federal credit union, credit union, or trust company. FI 201.101)

FI § 59.008. Claims Against Customers of Financial Institutions

(a) A claim against a customer of a financial institution shall be delivered or served as otherwise required or permitted by law at the address designated as the address of the registered agent of the financial institution in a registration filed with the secretary of state pursuant to Section 201.102, with respect to an out-of-state financial institution, or Section 201.103, with respect to a Texas financial institution.

(b) If a financial institution files a registration statement with the secretary of state pursuant to Section 201.102, with respect to an out-of-state financial institution, or Section 201.103, with respect to a Texas financial institution, a claim against a customer of the financial institution is not effective as to the financial institution if the claim is served or delivered to an address other than that designated by the financial institution in the registration as the address of the financial institution's registered agent.

(c) The customer bears the burden of preventing or limiting a financial institution's compliance with or response to a claim subject to this section by seeking an appropriate remedy, including a restraining order, injunction, protective order, or other remedy, to prevent or suspend the financial institution's response to a claim against the customer.

(d) A financial institution that does not file a registration with the secretary of state pursuant to Section 201.102, with respect to an out-of-state financial institution, or Section 201.103, with respect to a Texas financial institution, is subject to service or delivery of all claims against customers of the financial institution as otherwise provided by law.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0458 **Caption:** relating to certain motor vehicle records excepted from disclosure under the Public Information Act

Effective Date: 5-18-2013

Application: Applies to a request for information received by a governmental body on or after 5-18-13

Statutes Affected: GV 552.130

Subject: Exception: confidentiality of certain motor vehicle records

Summary: Amends GV 552.130 to authorize the redaction of certain motor vehicle information without the necessity of requesting a decision from the attorney general;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0553 **Caption:** relating to certain high school students serving as early voting clerks in an election

Effective Date: 6-14-2013

Application:

Statutes ED 25.087
Affected: EL 83.012

Subject: Excused absence

Summary: Amends ED 25.087 to allow a school district to adopt a policy excusing a student from attending school for service as a student early voting clerk in an election for a maximum of 2 days in a school year;

Subject: EL 83.012

Summary: Adds EL 83.012 to allow the early voting clerk to appoint no more than 4 student early voting clerks to serve at an early voting polling place;

Subject:

Summary:

Comments: Students who get involved in the voting process at a young age are more likely to continue to vote throughout their life.

SB 1134, 81st Legislature, Regular Session, 2009, permitted high school students to participate in voting clerkships. SB 1134 created an opportunity for students to learn about the democratic process in a hands-on manner. These students must get permission from their schools to participate in the clerkships. Unfortunately, many students were unable to participate because they could not do so on the election date.

SB 553 allows students to participate as early voting clerks, thereby expanding the opportunity to participate in the election process. SB 553 allows each polling location to have four students serve as clerks.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0686 **Caption:** relating to the change of the name of the Commission on Law Enforcement Officer Standards and Education to the Texas Commission on Law Enforcement

Effective Date: 5-18-13

Application: Name change is effective January 1, 2014
A reference in law to the Commission on Law Enforcement Officer Standards and Education or the Texas Commission on Law Enforcement Officer Standards and Education means the Texas Commission on Law Enforcement

Statutes OC 1701.001 et seq

Affected:

Subject:

Summary:

Subject:

Summary:

Subject:

Summary:

Comments: In the 47 years since it was created the role of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) has dramatically evolved, through legislative direction, from a training-only role to include regulatory authority. The name change from the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to simply the Texas Commission on Law Enforcement (TCOLE), makes the agency name consistent with other regulatory agencies that do similar work in other venues.

S.B. 686 amends the Occupations Code changes the name and amends the Code of Criminal Procedure, Education Code, Election Code, Government Code, Health and Safety Code, Human Resources Code, Labor Code, Local Government Code, Parks and Wildlife Code, Penal Code, and Transportation Code to make conforming and nonsubstantive changes.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0698

Caption: relating to the refund of unearned premium for a personal automobile or residential property insurance policy

Effective Date: 5-18-13

Application: Applies only to a policy delivered, issued for delivery, or renewed on or after 9-1-2013

Statutes Affected: IN 558.002

Subject:

Summary: Amends IN 558.002 to require an insurer to refund unearned premium to the policyholder not later than the 15th business day after the effective date of cancellation or termination of a policy of personal automobile or residential property insurance; "business day" means a day other than a Saturday, Sunday, or holiday recognized by this state

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 0718

Caption: relating to voluntary and involuntary mental health services

Effective Date: 6-14-2013

Application:

Statutes HS 572.001

Affected: HS 572.002

Subject: Request for admission

Summary: Amends HS 572.001 to authorize a person 16 years of age or older to request admission to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where admission or outpatient treatment is requested;
Authorizes the parent, managing conservator, or guardian of a person younger than 18 years of age to request the admission of the person to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where admission or outpatient treatment is requested;
Authorizes an inpatient mental health facility or provider of outpatient mental health services to admit or provide services to a person older than 16 years of age and younger than 18 years of age if the person's parent, managing conservator, or guardian consents to the admission or services, even if the person does not consent to the admission or services;
Authorizes a person younger than 18 years of age, if the person does not consent, to be admitted for inpatient services only pursuant to an application for court-ordered mental health services or emergency detention or an order for protective custody;
Prohibits a person younger than 18 years of age from being involuntarily committed unless provided by this chapter, other state law, or Texas Department of Mental Health and Mental Retardation rule;

Amends HS 572.002 to authorize the administrator of an inpatient or outpatient mental health facility to admit a minor who is 16 years of age or older to an inpatient or outpatient mental health facility as a voluntary patient without the consent of the parent, managing conservator, or guardian;

Subject: Transportation of patient to another state

Summary: Adds HS 572.0051 to prohibit 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;

Subject:

Summary:

Comments: Texas law is clear that the age of consent for inpatient mental health services for an individual is 16 years of age or older, but silent on the age of consent for outpatient mental health services. Because outpatient services can be used earlier in a mental health crisis, often avoiding the need for more costly and involved inpatient services, it should be made explicit in the Health and Safety Code that the age of consent is the same for both.

Also, current law states that foster parents and Child Protective Services (CPS) staff cannot enroll a minor in inpatient mental health services without the minor's consent, but does not explicitly state what should be done when the minor refuses.

The bill addresses the issue of voluntarily enrollment of minors in services by a parent, guardian, or conservator and matters relating to the age of consent for outpatient mental health services and inpatient services.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 0972

Caption: relating to the repeal of certain offenses relating to certain occupations regulated by the Texas Department of Licensing and Regulation

Effective Date: 5-18-13

Application: Does not apply to an offense committed before 5-18-13

Statutes HS 754.024 (Repeal)

Affected: OC 1151.251 (Repeal)

OC 1602.554 (Repeal)

Subject:

Summary:

Subject:

Summary:

Subject:

Summary:

Comments: S.B. 972 repeals the following provisions:

- HS 754.024, relating to a Class C misdemeanor offense for noncompliance with the inspection, certification, and registration requirements of elevators, escalators, and related equipment
- OC 1151.251 (Failure of chief appraiser of appraisal district, person who appraises property for ad valorem tax purposes for appraisal district, and assessor-collector for taxing unit, to register with TDLR), relating to certain misdemeanor offenses by property tax professionals and property tax consultants
- Subchapter L, Chapter 1602, Occupations Code, relating to a fine only misdemeanor offense for violating statutory provisions governing cosmetologists

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 1061 **Caption:** relating to parking privileges of disabled veterans on the property of institutions of higher education

Effective Date: 6-14-2013

Application:

Statutes Affected: TN 681.008

Subject: Parking privileges: certain veterans and military award recipients

Summary: Amends TN 681.008 to allow a veteran to park for an unlimited period in a parking space designated for persons with disabilities on property of an institution of higher education, regardless of whether a permit is required; a permit may be required, but no fee can be charged;

Subject:

Summary:

Subject:

Summary:

Comments: Disabled veterans who meet specified requirements, such as displaying a specialized license plate, are allowed to park in spaces designated for persons with physical disabilities. S.B. 1061 seeks to clarify that institutions of higher education must also allow access to those designated parking spaces for eligible vehicles, regardless of the institution's parking permit requirements.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 1185 **Caption:** relating to the creation of a mental health jail diversion pilot program

Effective Date: 6-14-2013

Application:

Statutes HS 579.001 et seq

Affected:

Subject: Mental health jail diversion pilot program

Summary: Adds HS 579.002 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 for the purpose of reducing recidivism and the frequency of arrests and incarceration among persons with mental illness in that county;
the program is temporary, set to expire September 1, 2017;
The county judge, in implementing the program, is required 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;
County judge must seek input from and coordinate services with:

- (1) the Harris County Sheriff's Office;
- (2) the mental health division of the office of the district attorney of Harris County;
- (3) the Harris County public defender;
- (4) mental health courts;
- (5) specially trained law enforcement crisis intervention teams and crisis intervention response teams;
- (6) providers of competency restoration services;
- (7) providers of guardianship services;
- (8) providers of forensic case management;
- (9) providers of assertive community treatment;
- (10) providers of crisis stabilization services;
- (11) providers of intensive and general supportive housing; and
- (12) providers of integrated mental health and substance abuse inpatient, outpatient, and rehabilitation services;

Subject:

Summary:

Subject:

Summary:

Comments: Harris County recently identified more than 18,000 people with mental health service needs incarcerated in the county's criminal justice facilities, and reports indicate that, at any given time, more than 2,100 people, or approximately one quarter of the total Harris County jail population, are receiving prescribed psychotropic medication. The criminal justice system is the most expensive and least effective way to treat mental illness and to stop the repeated arrests of those with mental health diagnoses through evidence-based intervention strategies. Community-based mental health services are much less costly and more successful at treating the underlying symptoms that often are responsible for recurrent incarceration of the mentally ill. S.B. 1185 seeks to address this issue by creating a jail diversion pilot program for mentally ill inmates among the Harris County jail population.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 1365 **Caption:** relating to the provision of credit by examination for public school students

Effective Date: 6-14-2013

Application: Applies beginning with 2013-2014 school year

Statutes Affected: ED 25.092

Subject: Minimum attendance for class credit

Summary: Amends ED 25.092 to provide that the minimum attendance requirement for class credit (90% of days the class is offered) does not apply to a student who receives credit by examination for the class;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 1400

Caption: relating to the municipal and county regulation of air guns

Effective Date: 6-14-2013

Application:

Statutes LG 235.022

Affected:

Subject: Authority to regulate

Summary: Amends LG 235.022 to allow commissioners court to prohibit or otherwise regulate the discharge of firearms and air guns on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision;
"Air gun" means any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring;
Class C misdemeanor

Subject:

Summary:

Subject:

Summary:

Comments: LG § 235.025. Criminal Penalty

A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of a regulation adopted under this subchapter by the commissioners court. An offense under this section is a Class C misdemeanor. If it is shown on the trial of an offense under this section that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 1404 **Caption:** relating to attendance at and completion of high school by students who are in the conservatorship of the Department of Family and Protective Services

Effective Date: 6-14-2013

Application: Applies beginning with the 2013-2014 school year

Statutes ED 25.087
Affected: ED 28.025

Subject: Excused absences

Summary: Amends ED 25.087 to require an ISD to excuse the absence of a student in the conservatorship of the Department of Family and Protective Services if the student is participating in a court ordered activity provided that it is not practicable to schedule the participation outside of school hours;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 1432 **Caption:** relating to the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals

Effective Date: 6-14-2013

Application: Applies only to an offense committed on or after 6-14-2013

Statutes Affected: PW 43.062

Subject: Penalty (trapping, transporting, and transplanting game animals and game birds, white tailed deer)

Summary: Amends PW 43.062 to create an offense if a person violates:
(1) a rule relating to a reporting requirement for a permit issued under this subchapter; or
(2) a term of a permit issued under this subchapter that relates to a reporting requirement;
Class C Parks and Wildlife Code misdemeanor;

Subject:

Summary:

Subject:

Summary:

Comments: under current law, if a permit holder violates a reporting requirement associated with the permit for trapping, transporting, and transplanting a white-tailed deer, the permit holder can be charged with a Class B Parks and Wildlife Code misdemeanor, which is punishable by a maximum \$2,000 fine, jail time, or both. Certain other deer reporting requirement violations, however, are punishable as Class C misdemeanors, which have a lower maximum fine and no jail time.

S.B. 1432 seeks to enhance uniformity throughout the Parks and Wildlife Code and align the penalties for similar offenses by reducing the punishment for violating certain rules or permit terms under a permit to trap, transport, and transplant certain animals.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 1541 **Caption:** relating to discipline of public school students by school bus drivers

Effective Date: 6-14-2013

Application: Applies beginning with the 2013-2014 school year

Statutes Affected: ED 37.0022

Subject: Removal by school bus driver

Summary: Adds ED 37.0022 to allow a bus driver transporting students to or from school or a school sponsored or related activity to send a student to the principal's office to maintain effective discipline on the school bus; principal must employ appropriate discipline management techniques; Allows the board of trustees to include standards in the student code of conduct under which a student may be removed from a school bus;

Subject:

Summary:

Subject:

Summary:

Comments: C.S.S.B. 1541 authorizes 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. The bill requires the principal to respond by employing appropriate discipline management techniques consistent with the student code of conduct. The bill makes statutory provisions regarding the placement of students with disabilities applicable to any placement under the bill's provisions of a student with a disability who receives special education services. The bill's provisions apply beginning with the 2013-2014 school year.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 1620 **Caption:** relating to certified communication access realtime translation providers

Effective Date: 6-14-2013

Application:

Statutes GV 57.002

Affected:

Subject:

Summary: Amends GV 57.002 to require a court to appoint a certified communication access realtime translation (CART) provider, defined in the bill as an individual who holds a certification to provide CART services at an advanced or master level issued by the Texas Court Reporters Association or another certification association selected by the Department of Assistive and Rehabilitative Services (DARS), for an individual who has a hearing impairment if a motion for the appointment of a provider is filed by a party or requested by a witness in a civil or criminal proceeding in the court;
Authorizes a court, on its own motion, to appoint a certified CART provider for an individual who has a hearing impairment;
Defines "communication access realtime translation" or "CART" as the immediate verbatim translation of the spoken word into English text by a certified CART provider;

Clarifies statutory provisions relating to the appointment of an interpreter by a court to specify that the appointment of a certified court interpreter is for an individual who has a hearing impairment and the appointment of a licensed court interpreter is for an individual who can hear but does not comprehend or communicate in English.

Subject:

Summary:

Subject:

Summary:

Comments: Translators who are able to immediately translate the spoken word into English text would be able to benefit parties to court proceedings where interpreters are needed. These translators are known as communication access realtime translation (CART) providers. C.S.S.B. 1620, among other provisions, seeks to allow parties to a court proceeding to request a certified CART provider for an individual who has a hearing impairment in addition to having the option to request a certified court interpreter for such an individual.

SUMMARIES -- 83rd LEGISLATURE -- 2013

**Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney**

Bill Number: SB 1729

Caption: relating to an agreement between the Department of Public Safety and a county for the provision of renewal and duplicate driver's license and other identification certificate services; authorizing a fee

Effective Date: 6-14-2013

Application:

Statutes TN 521.008

Affected:

Subject: Pilot program regarding the provision of renewal and duplicate driver's license and other identification certificate services

Summary: Adds TN 521.008 to authorize the TxDPS to establish a pilot program for the provision of renewal and duplicate driver's license, election identification certificate, and personal identification certificate services in:
(1) not more than three counties with a population of 50,000 or less,
(2) not more than three counties with a population of more than 50,000 but less than 1,000,001, and
(3) not more than two counties with a population of more than 1 million;
Authorizes DPS to enter into an agreement with a county commissioners court to permit county employees to provide services at a county office relating to the issuance of renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates, including the following services: taking photographs; administering vision tests; updating those documents to change a name, address, or photograph; distributing and collecting information relating to organ donations; collecting fees; and performing other basic ministerial functions and tasks necessary to issue renewal and duplicate documents;
Authorizes an additional fee of \$5 for each transaction that relates to driver's licenses and personal identification certificates only;

Subject:

Summary:

Subject:

Summary:

Comments: Under current law, the Department of Public Safety (DPS) has the authority to issue renewal and duplicate driver's licenses, election identification certificates, and personal identification certificates. As the state's population has increased, the demand for these services has also increased. Interested parties report that DPS has been unable to meet this growing demand and that Texans in many areas of the state experience an inconvenience in obtaining these services due to overcrowding at the local DPS office or the lack of a DPS office within the vicinity of the person's residence. S.B. 1729 seeks to address this issue by establishing a pilot program under which DPS may enter into an agreement with the commissioners court of certain counties for county employees to provide services relating to the issuance of renewal and duplicate driver's licenses and other identification certificates.

SUMMARIES -- 83rd LEGISLATURE -- 2013

Janet Marton, Senior Assistant County Attorney
Office of Vince Ryan, Harris County Attorney

Bill Number: SB 1757

Caption: relating to the manufacture, sale, distribution, purchase, or possession of a license plate flipper; creating an offense

Effective Date: 6-14-2013

Application:

Statutes Affected: TN 504.946

Subject: License plate flipper; offense

Summary: Adds TN 504.946 to create an offense if a person with criminal negligence purchases or possesses a license plate flipper; Class B misdemeanor;
A person commits an offense if the person with criminal negligence manufactures, sells, offers to sell, or distributes a license plate flipper;
"License plate flipper" means a manual, electronic, or mechanical device designed or adapted to be installed on a motor vehicle and:
(1) switch between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the operator's vehicle; or
(2) hide a license plate from view by flipping the license plate so that the license plate number is not visible;

Subject:

Summary:

Subject:

Summary:

Comments: The use of license plate flippers in some areas of Texas has come to the attention of law enforcement officials. The parties report that these devices, whether home-made or manufactured and purchased online, are designed to allow an individual to rotate or flip between two license plates within a matter of seconds through the push of a button or the pull of a cord. Under Texas law, it is illegal to have false or obscured license plates showing on a vehicle, but it is not currently illegal to possess a license plate flipper and operate a vehicle with false license plates that are not showing.