

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0001

Caption: appropriating money for the support of the Judicial, Executive, and Legislative Branches of the State government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 2015 and ending August 31, 2017; authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds; and declaring an emergency

Effective Date:

Application:

Statutes

Affected:

Subject: Texas Department of Public Safety

Summary: Enhance Driver Responsibility Program Outreach and Education.
The Department of Public Safety (DPS) shall develop a statement about Driver Responsibility Program (DRP) surcharges and work with applicable agencies to include this statement in: (1) Texas Department of Insurance TexasSure insurance verification letters; (2) driver license renewal notices mailed by DPS; and (3) on the websites of certain cities that allow individuals to pay fines online for DRP surchargeable offenses;

Subject: Court of Criminal Appeals

Summary: A minimum of \$850,000 each fiscal year shall be used to contract with training entities providing for the training and continuing legal education of the clerks and other court personnel of the appellate courts, district courts, county courts at law, county courts, justice courts, and municipal courts of this State in accordance with Government Code §74.025

Subject:

Summary:

Comments:

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

Bill Number: HB 0023 **Caption:** relating to disclosure of certain relationships with local government officers and vendors; creating criminal offenses

Effective Date: 9-1-2015

Application: Applies to an event requiring disclosure that occurs on or after 9-1-2015

Statutes Affected: LG 176.001 et seq

Subject: Disclosure of certain relationships with local government officers (contracts with local governmental entity) Enforcement

Summary: Adds LG 176.013 to create an offense if a local government officer (1) is required to file a conflicts disclosure statement and (2) knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5 p.m. on the 7th business day after the date on which the officer becomes aware of the facts that require the filing of the statement;
Creates an offense if a vendor (1) is required to file a conflict of interest questionnaire and (2) either: (A) knowingly fails to file the required questionnaire with the appropriate records administrator not later than 5 p.m. on the 7th business day after the date on which the vendor becomes aware of the facts that require the filing of the questionnaire; or (B) knowingly fails to file an updated questionnaire not later than 5 p.m. on the 7th business day after the date on which the vendor becomes aware of an event that would make a statement in a questionnaire previously filed by the vendor incomplete or inaccurate;
Class C misdemeanor if the contract amount is less than \$1 million or if there is no contract amount for the contract;

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 0075

Caption: relating to the exemption from vehicle registration for certain farm vehicles owned by a farmers' cooperative society or marketing association

Effective Date: 5-28-2015

Application:

Statutes TN 502.146

Affected:

Subject: Certain farm vehicles and drilling and construction equipment

Summary: Amends TN 502.146 to create an exemption from registration of a farm vehicle or farm semitrailer that is owned by a farmers' cooperative society incorporated under AG Chapter 52 (Farmers' Cooperative Societies) and used by members of the society or association for a fee if the vehicle otherwise meets the requirements for the exemption;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Many Texas farmers use state highways, rather than using "Farm-to-Market" roads, as an alternative transportation source when using their vehicles or transporting equipment. When farmers use these types of roads, the Texas Department of Motor Vehicles issues them a special license plate that exempts them from having to register their vehicle and equipment. </div>

<div>The current Transportation Code does not extend the exemption from registering vehicles and equipment to farmers who are members of local farmers' cooperatives through which they are able to rent or borrow (rather than purchase) vehicles and equipment.</div>

<div>HB 75 prevents local farm co-ops from incurring fines for lending their farm vehicles to fellow farmers.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0121

Caption: relating to an alternative means of payment of certain past due criminal fines and court costs

Effective Date: 6-15-2015

Application:

Statutes CP 103.0025

Affected:

Subject: Alternative payment procedure for certain past due fines and costs

Summary: Adds CP 103.0025 to allow the court to adopt an alternative procedure for collecting past due payment on a judgment for a fine and costs if a capias pro fine has been issued; Under the procedure, a peace officer who executes a capias pro fine or arrests a defendant on other grounds and knows that the defendant owes a past due payment on a judgment:
(1) must inform the defendant of the possibility of immediately paying the judgment by credit or debt card, and the defendant's available alternatives to making an immediate payment; and,
(2) may accept, on behalf of the court, the defendant's immediate payment of the judgment, and the fee for issuing and executing the capias pro fine, by credit or debit card;
Provides that the officer may release the defendant on payment;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0168

Caption: relating to privileged parking for Distinguished Flying Cross medal recipients

Effective Date: 9-1-2015

Application:

Statutes TN 681.008

Affected:

Subject: Privileged privileges; certain military and veteran award recipients

Summary: Amends TN 681.008 to include vehicles with license plates described or issued for Distinguished Flying Cross medal recipients among those vehicles exempt from payment of parking fees collected through a parking meter when operated by or for persons with those license plates (veterans with disabilities, Distinguished Flying Cross medal recipients, World War II veterans, military specialty license plates for extraordinary service, Legion of Merit medal recipients, defense superior service medal recipients);

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0194

Caption: relating to creating a recognition day in honor of Gold Star Mothers

Effective Date: 6-16-2015

Application:

Statutes GV 662.061

Affected:

Subject: Gold Star Mother's Day

Summary: Adds GV 662.061 to designate the last Sunday in September of each year as gold Star Mother's Day to recognize mothers whose sons and daughters died while serving in the US armed forces, and to be observed by appropriate ceremonies;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0207

Caption: relating to creating the offense of voyeurism; providing a penalty

Effective Date: 9-1-2015

Application:

Statutes PE 21.16

Affected:

Subject: Voyeurism

Summary: Adds PE 21.16 to create an offense is a person, with intent to arouse or gratify the sexual desire of the actor, observes another person without the other person's consent while the other person is in a dwelling or structure in which the other person has a reasonable expectation of privacy; Class C misdemeanor, except is a state jail felony if the victim was a child younger than 14 years of age at the time of the offense;
Allows prosecution of any other offense defined by the conduct;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0262 **Caption:** relating to liability of an owner, lessee, or occupant of land that allows land to be used as a community garden

Effective Date: 9-1-2015

Application: Applies to a cause of action that accrues on or after 9-1-2015

Statutes Affected: CV 75.0025

Subject: Limited liability of persons allowing certain uses of land

Summary: Adds CV 75.0025 to provide that an owner, lessee, or occupant of land that gives permission to another person to enter and use the land as a community garden does not by giving that permission:

- (1) ensure that the premises are safe; or
- (2) assume responsibility or incur any liability for:
 - (A) damages arising from or related to any bodily or other personal injury to or death of any person who enters the premises for a purpose related to a community garden;
 - (B) property damage sustained by any person who enters the premises for a purpose related to a community garden; or
 - (C) an act of a third party that occurs on the premises.

Provides that the doctrine of attractive nuisance does not apply to a claim;
Provides that the liability of an owner, lessee, or occupant of land for an injury caused by willful or wanton acts or gross negligence by the owner, lessee, or occupant is not limited by this section;
Requires the posting of a sign that contains the following warning:
WARNING: TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE LIABILITY OF THE LANDOWNER, LESSEE, OR OCCUPANT FOR DAMAGES ARISING FROM THE USE OF THIS PROPERTY AS A COMMUNITY GARDEN;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Community gardens are tracts of land that are divided into smaller garden plots and gardened by local residents, and the popularity of these gardens has grown in recent years. Many landowners, lessees, or occupants of land that is undeveloped have been receptive to groups setting up community gardens on their property but sometimes withdraw their support because of the potential for lawsuits arising from community gardening activities.</div>

<div>HB 262 addresses this issue by establishing limited immunity from liability for a landowner, occupant, or lessee who allows a person to enter their property for a community garden purpose. This would not extend to any wanton or willful act of negligence on the part of the landowner, occupant, or lessee.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

- Bill Number:** HB 0311 **Caption:** relating to an executory contract for the conveyance of real property; providing a civil penalty
- Effective Date:** 9-1-2015
- Application:** Applies to a default that occurs on or after 9-1-2015;
Applies to an executory contract entered into before, on, or after 9-1-2015;
As to PP 5.077, applies to an executory contract that is converted to transfer legal title on or after 9-1-2015
- Statutes Affected:** PP 5.064
- Subject:** Seller's remedies on default
- Summary:** Amends PP 5.064 to authorize a seller to enforce the remedy of rescission or of forfeiture and acceleration against a purchaser in default under an executory contract for conveyance of real property only if the contract has not been recorded in the county in which the property is located;
- Amends PP 5.066 to provide that if a purchaser defaults after the purchaser has paid 40 percent or more of the amount due or the equivalent of 48 monthly payments under the executory contract or, regardless of the amount the purchaser has paid, the executory contract has been recorded, the seller is granted the power to sell through a trustee designated by the seller, the purchaser's interest in the property; Prohibits the seller from enforcing the remedy of rescission or of forfeiture and acceleration after the contract has been recorded;
- Subject:** Recording requirements
- Summary:** Amends PP 5.076 to provide that failure of a seller to record the executory contract, or an instrument that terminates the contract on or before the 30th day after the date the contract or termination is executed, is liable to the purchaser for:
- (1) liquidated damages in the amount of:
(A) \$250 a day for each day the seller fails to record during the period that begins the 31st day and ends the 90th day after the date the contract or termination is executed; and
(B) \$500 a day for each day the seller fails record the documents after the 90th day after the date the contract or termination was executed; and
(2) reasonable attorney's fees;
- Subject:** Title transfer
- Summary:** Amends PP 5.079 to provide that a recorded executory contract is the same as a deed with a vendor's lien; the lien is for the amount of the unpaid contract price, less any lawful deductions, and may be enforced by foreclosure; a general warranty deed is implied unless otherwise limited by the recorded executory contract;
If an executory contract has not been recorded or converted, the seller shall transfer recorded, legal title to the purchaser not later than the 30th day after the date the seller receives the purchaser's final payment due under the contract;
- Amends PP 5.081 to allow a purchaser, at any time and without paying penalties or charges of any kind, to convert the purchaser's interest in the property into recorded, legal title, regardless of whether the seller has recorded the executory contract;
- Comments:** <div>Executory contracts for the sale of residential property (sometimes referred to as "contracts for deed") have long been disfavored because they encumber title without transferring title, cannot be sold in the real estate market, cannot be used to borrow money to make improvements, and are potentially abusive transactions under which legal title to homestead property may be withheld until many years after the buyer has built a home and made other expensive improvements. While the Texas Legislature has made changes to discourage the use of these instruments, serious problems persist from their use. Parties also contend that there remain significant misunderstandings among sellers, buyers, and even judges and attorneys about the nature of executory contracts and about the rights and obligations of the various parties to such instruments. HB 311 continues the progression to modernize residential real estate transactions, improve transparency, and improve the process of conversion of these relics of real estate. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0324

Caption: relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop

Effective Date: 9-1-2015

Application:

Statutes Affected: CP 18.24

Subject: Body cavity search during traffic stop

Summary: Adds CP 18.24 to require a peace officer to obtain a search warrant before conducting a body cavity search of a person during a traffic stop;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0326 **Caption:** relating to information provided by electronic means in support of the issuance of a search warrant

Effective Date: 9-1-2015

Application: Applies to a search warrant that is issued on or after 9-1-2015

Statutes Affected: CP 18.01

Subject: Search warrant

Summary: Amends CP 18.01 to allow a magistrate to consider information communicated by telephone or other reliable electronic means in determining whether to issue a search warrant; allows the magistrate to examine an applicant for a search warrant and any person on whose testimony the application is based, and requires that the applicant or other person be placed under oath before the examination.

Requires the magistrate to acknowledge the attestation in writing on the affidavit, and if the magistrate considers additional testimony or exhibits, the magistrate must:

- (A) ensure that the testimony is recorded verbatim by an electronic recording device, by a court reporter, or in writing;
- (B) ensure that any recording or reporter's notes are transcribed and that the transcription is certified as accurate and is preserved;
- (C) sign, certify the accuracy of, and preserve any other written record; and
- (D) ensure that the exhibits are preserved.

An applicant who submits information as authorized by this subsection, must prepare a proposed duplicate original of the warrant and must read or otherwise transmit its contents verbatim to the magistrate; the magistrate must enter into an original search warrant the contents of a proposed duplicate original that are read to the magistrate; if the applicant transmits the contents by reliable electronic means, the transmission received by the magistrate may serve as the original search warrant;

Allows the magistrate to modify a search warrant and:

- (A) transmit the modified version to the applicant by reliable electronic means; or
- (B) file the modified original and direct the applicant to modify the proposed duplicate original according;

Requires the magistrate who issues a search warrant for which information is provided by telephone or reliable electronic means to:

- (A) sign the original documents;
- (B) enter the date and time of issuance on the warrant; and
- (C) transmit the warrant by reliable electronic means to the applicant or direct the applicant to sign the judge's name and enter the date and time on the duplicate original;

Evidence obtained pursuant to a search warrant for which information was provided in accordance with this subsection is not subject to suppression on the ground that issuing the warrant in compliance with this subsection was unreasonable under the circumstances, absent a finding of bad faith;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0369

Caption: relating to designating May 24 as Lung Cancer Awareness Day

Effective Date: 6-1-2015

Application:

Statutes GV 662.061

Affected:

Subject: Lung Cancer Awareness Day

Summary: Adds GV 662.061 to provide that May 24 is Lung Cancer Awareness Day to encourage residents of Texas to learn about the prevalence, statistical risks, early diagnosis, and ways to reduce lung cancer;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0431

Caption: relating to the creation of an advisory committee to examine and recommend revisions to any state laws pertaining to juvenile records

Effective Date: 5-28-2015

Application:

Statutes

Affected:

Subject: Appointments; presiding officer

Summary: Requires the Texas Juvenile Justice Board, appoint a Juvenile Records Advisory Committee to include:

chief juvenile probation officers,
juvenile prosecutors,
juvenile defense attorneys,
juvenile court judges,
justice court or municipal court judges,
court administrators or court clerks,
peace officers,
representatives of the Department of Public Safety of the State of Texas,
representatives of the Department of Family and Protective Services,
representatives of the Texas Juvenile Justice Department,
juvenile justice advocates,
individuals with expertise in federal records and federal immigration policy,
members of the public, and
any other individuals that the board considers necessary to accomplish the duties of the advisory committee;

Committee to report recommendations not later than 11-1-2016;
Committee is abolished 12-31-2018;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0441

Caption: relating to the use of a court order as an occupational license

Effective Date: 9-1-2015

Application:

Statutes TN 521.249

Affected:

Subject: Notice to Department; issuance of occupational license

Summary: Amends TN 521.249 to allow a person to use a copy of the order granting an occupational license as a restricted license until the 45th day after the date on which the order takes effect;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0445

Caption: relating to providing notice of the availability of paid leave for military service to public officers and employees

Effective Date: 9-1-2015

Application:

Statutes GV 437.202

Affected:

Subject: Leave of absence for public officers and employees

Summary: Amends GV 437.202 to require the state, city, county, or other political subdivision to provide notice of the number of workdays of paid leave to which an officer or employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team, is entitled each fiscal year, or the number of days allowed to be carried forward; notice must be given (1) on employment, or (2) as soon as practicable after appointment or election;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0484 **Caption:** relating to the eligibility of a person to be a candidate for or holder of certain public elective offices

Effective Date: 9-1-2015

Application: Applies to the eligibility and qualification requirements for a candidate or officer whose term of office will begin on or after 9-1-2015

Statutes Affected: EL 141.001
GV 601.009

Subject: Eligibility requirements for public office

Summary: Amends EL 141.001 to include, among other requirements, that to be eligible to be a candidate for, or elected or appoint to a public office in this state, a person must be registered to vote in the territory from which the office is elected;

Subject: Elected officer must be registered voter

Summary: Adds GV 601.009 to require that a person be a registered voter in order to qualify for public elective office;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0504

Caption: relating to designating the second full week in September as direct Support Professionals Week

Effective Date: 6-17-2015

Application:

Statutes Affected: GV 662.155

Subject: Direct support professionals week

Summary: Adds GV 662.155 to designate the second full week in September as Direct Support Professionals Week to honor work as a part of long-term support system for individuals with physical and mental disabilities;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0510 **Caption:** relating to disclosure of certain information about expert witnesses in a criminal case

Effective Date: 9-1-2015

Application: Applies to the prosecution of an offense committed on or after 9-1-2015

Statutes Affected: CP 39.14

Subject: Discovery

Summary: Amends CP 39.14 to require a request for disclosure the names and addresses of each person to be used at trial to be made not later than the 30th day before trial or jury selection;
Allows the disclosure to be made in writing or by electronic means not later than the 20th day before the date of trial or jury selection, and allows the court to order an earlier time for the disclosure;

Subject:

Summary:

Subject:

Summary:

Comments: <div>The Michael Morton Act did not change the discovery of expert witnesses, which remains covered by Article 39.14 (b), Code of Criminal Procedure.</div>

<div> HB 510 amends the Code of Criminal Procedure to change the disclosure requirement for a party receiving a request for discovery by requiring the party receiving the request to disclose to the requesting party the name and address of each person the disclosing party may use as a witness at trial to present evidence relating to expert testimony. The bill applies the disclosure requirement to a request for discovery made not later than the 30th day before the date that jury selection in the applicable trial is scheduled to begin or, in a trial without a jury, the presentation of evidence is scheduled to begin.</div>

<div> The bill also changes the manner in which the disclosure must be made from a manner specified by the court to in writing in hard copy form or by electronic means and changes the date by which the disclosure must be made from not later than the 20th day before the date the trial begins to not later than the 20th day before the date that jury selection in the trial is scheduled to begin or, in a trial without a jury, the presentation of evidence is scheduled to begin.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0554 **Caption:** relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport

Effective Date: 9-1-2015

Application: Applies to an offense committed on or after 9-1-2015

Statutes Affected: PE 46.03

Subject: Places weapons prohibited

Summary: Amends PE 46.03 to create a defense to prosecution for carrying a weapon in or into a secured area of an airport, if the actor:
(1) possessed, at the screening checkpoint for the secured area, a concealed handgun that the actor was licensed to carry, and
(2) exited the screening checkpoint for the secured area immediately upon completion of the required screening processes and notification that the actor possessed the handgun;

Prohibits a peace officer from arresting the actor for the carrying a weapon in or into a secured area of an airport unless:
(1) the officer advises the actor of the available defense and gives the actor an opportunity to exit the screening checkpoint for the secured area; and
(2) the actor does not immediately exit the checkpoint upon completion of the required screening processes;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Currently, travelers found carrying a handgun and certain other weapons into the secured area of an airport are subject to immediate arrest and confiscation of the handgun. Airports in Dallas and Houston are among those at which the Transportation Security Administration has reported the discovery of handguns at the screening checkpoints for secured areas. </div>

<div>Many of the travelers carrying handguns are concealed handgun license holders who have grown accustomed to having the handgun and have forgotten that they have the handgun with them. There should be a reasonable alternative to immediate arrest and confiscation so a responsible concealed handgun license holder can return the firearm to the license holder's car or home. HB 554 seeks to provide such an alternative.</div>

<div>HB 554 amends current law relating to a defense to prosecution for the offense of possessing or carrying a weapon in or into the secured area of an airport.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0642 **Caption:** relating to an alcohol awareness program or drug education program for certain minors convicted of or adjudicated to have engaged in, or placed on deferred disposition or community supervision for, certain drug or alcohol related offenses; authorizing a fee

Effective Date: 9-1-2015

Application:

Statutes Affected: AB 106.071
AB 106.115
CP 45.051
TN 521.374

Subject: Punishment for alcohol-related offense by minor

Summary: Amends AB 106.071 to require community service related to alcohol offenses to be related to education about or prevention of misuse of alcohol or drugs, as applicable;

Amends AB 106.115 to require the court on placing a minor on deferred disposition, or who has been previously convicted for alcohol related offenses to require an alcohol awareness program, a drug education program approved by the Department of State Health Services in accordance with TN 521.374, or a drug and alcohol driving awareness program;

Subject: Suspension of sentence and deferral of final disposition

Summary: Amends CP 45.051 to allow the judge, during the deferral period, to require that the defendant participate in an alcohol or drug abuse treatment or education program, such as (A) a drug education program that is designed to educate persons on the dangers of drug abuse and is approved by the Department of State Health Services in accordance with Section 521.374, Transportation Code; or (B) an alcohol awareness program described by Section 106.115, Alcoholic Beverage Code;

Subject: Educational programs

Summary: Amends TN 521.374 to provide that a person whose license is suspended on final conviction of: (1) an offense under the Controlled Substances Act; (2) a drug offense; or (3) a felony under the Controlled Substances Act, may attend an educational program approved by the Department of State Health Services under rules adopted by the executive commissioner of the Health and Human Services Commission designed to educate persons on the dangers of drug abuse;

Comments: <div>Interested parties note that alcoholic awareness courses are designed, in part, to help a child who engages in conduct constituting an alcohol-related offense better understand the dangers of alcohol abuse. The parties contend that such a requirement to attend these and related courses should apply to a child who engages in conduct constituting a drug-related offense to combat drug abuse and drug-associated criminal activity in addition to combatting alcohol abuse. HB 642 seeks to increase awareness of the dangers of drug and alcohol abuse.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0644 **Caption:** relating to the contents of a search warrant and to the offense of tampering with a governmental record consisting of a search warrant

Effective Date: 9-1-2015

Application: Applies to a search warrant issued on or after 9-1-2015;
Applies to an offense committed on or after 9-1-2015

Statutes Affected: CP 18.04
PE 37.10

Subject: Contents of warrant

Summary: Amends CP 18.04 to require that a magistrate's name on a search warrant appear in clearly legible handwriting or in typewritten form with the magistrate's signature;

Subject: Tampering with governmental record

Summary: Amends PE 37.10 to provide that tampering with a search warrant issued by a magistrate is a 3rd degree felony;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0705

Caption: relating to access to a financial institution account of a person who dies
intestate

Effective Date: 9-1-2015

Application:

Statutes ES 153.003

Affected:

Subject: Court ordered access to intestate's account information

Summary: Adds ES 153.003 to allow an interested person (heir, spouse, creditor, or other having a property right in or claim against the decedent's estate), to apply for, or the court on its own motion to issue, an order requiring a financial institution to release information concerning the balance of each account of the decedent who died intestate if:
(1) 90 days have elapsed since the date of the decedent's death;
(2) no petition for the appointment of a personal representative for the decedent's estate is pending; and
(3) no letters testamentary or of administration have been granted with respect to the estate;

Makes this provision inapplicable to:

- (1) an account with a beneficiary designation;
- (2) a P.O.D. account;
- (3) a trust account; or
- (4) an account that provides for a right of survivorship;

Subject:

Summary:

Subject:

Summary:

Comments: <div>In certain cases when someone dies without a will, a small estate affidavit can be a less expensive way of probating the estate than traditional estate administration. However, the parties emphasize that filing a small estate affidavit requires a demonstration that estate assets exceed known liabilities and that a lack of access to an account balance at a bank or other financial institution can be a barrier to families who would otherwise be able to use a small estate affidavit. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0745

Caption: relating to the installation of solar-powered stop signs by a property owners' association

Effective Date: 6-10-2015

Application:

Statutes TN 430.002

Affected:

Subject: signs erected by neighborhood association

Summary: Amends TN 430.002 to allow a property owners' association to install a solar-powered light -emitting diode (LED) stop sign on a street in the association's jurisdiction with consent of the political subdivision that maintains the street and if the association pays for the installation and maintenance of the sign;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0786 **Caption:** relating to the right of a public employee to express breast milk in the workplace

Effective Date: 9-1-2015

Application:

Statutes GV 619.001 et seq

Affected:

Subject: Right to express breast milk

Summary: Adds GV 619.002 to entitle an employee of a public employer to express breast milk at the employee's workplace; Requires the public employer to develop a written policy that the employer supports the practice, and makes reasonable accommodations for the needs of the employee; Requires the public employer to provide reasonable break time for the employee to express breast milk each time the employee has need to do so, and provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion; Prohibits the public employer from suspending or terminating, or otherwise discriminating against an employee because the employee has asserted the employee's rights;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0804

Caption: relating to the forms of payment that the operator of a vehicle storage facility must accept

Effective Date: 9-1-2015

Application:

Statutes OC 2303.159

Affected:

Subject: Forms of payment of charges

Summary: Amends OC 2303.159 to require the operator of a vehicle storage facility to accept cash, debt card, and credit card for payment for any charge associated with delivery or storage of a vehicle, and post a sign;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0819

Caption: relating to the definition of a public health nuisance; amending provisions subject to a criminal penalty

Effective Date: 6-9-2015

Application:

Statutes HS 341.011

Affected:

Subject: Nuisance

Summary: Amends HS 341.011 to redefine nuisance to include a collection of water in which mosquitoes are breeding in the limits of a municipality or a collection of water that is a breeding area for mosquitoes (deleting *Culex quinquefasciatus*);

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0866 **Caption:** relating to the exemption from jury service of a person who is the primary caretaker of another person

Effective Date: 9-1-2015

Application: Applies only to a person summoned to appear for jury service who is required to appear on or after 9-1-2015

Statutes Affected: GV 62.106

Subject: Exemption from jury service

Summary: Amends GV 62.106 to reword an exemption from jury service for a person who is the primary caretaker of a person who is unable to care for himself or herself;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0875

Caption: relating to the verification of the veteran status of inmates and prisoners

Effective Date: 9-1-2015

Application:

Statutes GV 511.009

Affected:

Subject: General duties (of Commission on Jail Standards)

Summary: Amends GV 511.009 to allow the Commission on Jail Standards, among other things, to require the sheriff of each county to (1) investigate and verify the veteran status of each prisoner by using the Veterans Reentry Search Service or a similar service, and (2) use the data to assist prisoners to apply for federal benefits or compensation under programs administered by the US Department of Veterans Affairs;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0905

Caption: relating to the regulation of knives by a municipality or county

Effective Date: 9-1-2015

Application:

Statutes LG 236.001 et seq

Affected:

Subject: Firearms, knives, air guns, sport shooting range

Summary: Amends LG 236.002 to include the prohibition of a county from adopting regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of knives, in addition to firearms, air guns, ammunition, or firearm or air gun supplies; and to the discharge of a firearm or air gun at a sport shooting range;

"Knife" means any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0909 **Caption:** relating to the tasting of alcoholic beverages by students enrolled in certain courses

Effective Date: 9-1-2015

Application: Applies only to an offense committed on or after 9-1-2015

Statutes AB 106.05

Affected: AB 106.16

Subject: Exception for certain course work

Summary: Adds AB 106.16 to allow a minor to taste an alcoholic beverage if:

- (1) the minor:
 - (A) is at least 18 years old; and
 - (B) is enrolled:
 - (i) as a student at a public or private institution of higher education or a career school or college that offers a program in culinary arts, viticulture, enology or wine technology, brewing or beer technology, or distilled spirits production or technology; and
 - (ii) in a course that is part of a program described by Subparagraph (i);
- (2) the beverage is tasted for educational purposes as part of the curriculum;
- (3) the beverage is not purchased by the minor; and
- (4) the service and tasting of the beverage is supervised by a faculty or staff member who is at least 21 years of age.

Provides that a public or private institution of higher education or a career school or college is not required to hold a license or permit to engage in the activities authorized under this section.

Subject: Possession of alcohol by minor

Summary: Amends AB 106.05 to allow a minor to possess an alcoholic beverage if provided as part of a course of study;

Subject:

Summary:

Comments: <div>Several institutions of higher education in Texas offer programs related to the production of wine, beer, or liquor or culinary programs in which the tasting of alcohol as it relates to food is a part of the instruction. Interested parties have expressed concerns regarding the absence of an exception in current law to allow students in these courses who are at least 18 years of age, but under 21 years of age, to taste alcohol as it pertains to course work. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0910 **Caption:** relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating criminal offenses

Effective Date: 1-1-2016*

Application: Applies to the carrying of a handgun by (1) a person who holds a license regardless of whether the license was issued before, on, or after 1-1-2016, or (2) by a person who applies for the issuance of a license regardless of whether the person applied for the license before, on, or after 1-1-2016
Applies to an offense committed on or after 1-1-2016

Statutes Affected: GV 411.171 et seq

Subject: License to carry a handgun

Summary: Amends the provisions in GV 411, Subchapter H, License to Carry a Handgun, to delete the definition of "concealed handgun," and the word "concealed" from the statutory provisions;

Subject: Trespass Offenses

Summary: Criminal trespass
Amends PE 30.05 to modify the defense to prosecution that: (1) the basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden; and
(2) the person was carrying:
(A) a [concealed handgun and a] license issued under Subchapter H, Chapter 411, Government Code, to carry a [concealed] handgun; and
(B) a handgun:
(i) in a concealed manner; or
(ii) in a shoulder or belt holster;

Trespass by license holder with a concealed handgun
Amends PE 30.06 to redefine an offense if:
(a) A license holder:
(1) carries a concealed handgun under the authority of Subchapter H, Chapter 411, Government Code, on property of another without effective consent; and
(2) received notice that entry on the property by a license holder with a concealed handgun was forbidden;
(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.

Trespass by license holder with an openly carried handgun
Adds PE 30.07 to create an offense if:
(a) A license holder:
(1) openly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, on property of another without effective consent; and
(2) received notice that entry on the property by a license holder openly carrying a handgun was forbidden.
(b) For purposes of this section, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.
(c) In this section:
(1) "Entry" has the meaning assigned by Section 30.05(b).
(2) "License holder" has the meaning assigned by Section 46.035(f).
(3) "Written communication" means:
(A) a card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or
(B) a sign posted on the property that:
(i) includes the language described by Paragraph (A) in both English and Spanish;
(ii) appears in contrasting colors with block letters at least one inch in height; and
(iii) is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.
(d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.
(e) It is an exception to the application of this section that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the

SUMMARIES -- 84th LEGISLATURE -- 2015

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

license holder is prohibited from carrying the handgun under Section 46.03 or 46.035.

(f) It is not a defense to prosecution under this section that the handgun was carried in a shoulder or belt holster.

Subject: Weapons offenses

Summary: Unlawful carrying weapon

Amends PE 46.02 by modifying the offense if:

(a-1) A person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person's control at any time in which:

(1) the handgun is in plain view, unless the person is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, and the handgun is carried in a shoulder or belt holster; or

(2) the person is:

(A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating;

(B) prohibited by law from possessing a firearm; or

(C) a member of a criminal street gang, as defined by Section 71.01;

Places weapons prohibited

Amends PE 46.03 to modify (f) that it is not a defense to prosecution under this section that the actor possessed a handgun and was licensed to carry a [concealed] handgun under Subchapter H, Chapter 411, Government Code;

Unlawful carrying of handgun by license holder

Amends PE 46.035 as follows:

(a) A license holder commits an offense if the license holder carries a handgun on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this subsection that the handgun was partially or wholly visible but was carried in a shoulder or belt holster by the license holder.

(a-1) Notwithstanding Subsection (a), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally displays the handgun in plain view of another person:

(1) on the premises of an institution of higher education or private or independent institution of higher education;

or

(2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.

(b) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on or about the license holder's person:

(1) on the premises of a business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption, as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code;

(2) on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event;

(3) on the premises of a correctional facility;

(4) on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing facility licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the hospital or nursing facility administration, as appropriate;

(5) in an amusement park; or

(6) on the premises of a church, synagogue, or other established place of religious worship.

(c) A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, at any meeting of a governmental entity.

(d) A license holder commits an offense if, while intoxicated, the license holder carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster.

(f) (1-a) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(g) An offense under this section is a Class A misdemeanor, unless the offense is committed under Subsection (b) (1) or (b)(3), in which event the offense is a felony of the third degree.

(h) It is a defense to prosecution under Subsection (a) or (a-1) that the actor, at the time of the commission of the offense, displayed the handgun under circumstances in which the actor would have been justified in the use of

SUMMARIES -- 84th LEGISLATURE -- 2015

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

force or deadly force under Chapter 9.

(i) Subsections (b)(4), (b)(5), (b)(6), and (c) do not apply if the actor was not given effective notice under Section 30.06 or 30.07.

(j) Subsections (a), (a-1), and (b)(1) do not apply to a historical reenactment performed in compliance with the rules of the Texas Alcoholic Beverage Commission;

Comments: <div>Texas is one of only six states that do not permit their citizens to openly carry modern handguns under any circumstances. The other five states are California, Florida, Illinois, New York, and South Carolina. Forty-four states allow open carry in some form. </div>

<div>HB 910 authorizes open carry of modern handguns in Texas by anyone with a license, so long as the handguns are carried in shoulder or belt holsters. The new license to carry created by this bill would replace the existing concealed handgun license. Applicants would have to meet the same requirements that they currently do to get a concealed handgun license. </div>

<div>Basic principles of constitutional law establish that the fact that a person is engaged in an activity that is only legal with a license is not sufficient cause for the police to stop the person. All police detentions require reasonable suspicion of criminal activity at a minimum, and that will remain the case for people who openly carry in Texas after this bill becomes law.</div>

<div>HB 910 amends current law relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun and creates criminal offenses. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0939

Caption: relating to unenforceable restrictive covenants regarding standby electric generators affecting residential homes

Effective Date: 6-19-2015

Application:

Statutes Affected: PP 202.019

Subject: Standby electric generators

Summary: Adds PP 202.019 to prohibit a property owners' association from adopting or enforcing a dedicatory instrument provisions that prohibits or restricts an owner from owning, operating, installing, or maintaining a permanently installed standby electric generator;
Allows a property owners' association to adopt or enforce certain provisions to regulate the operation and installation of standby electrical generators, including:
(i) installation and maintenance in compliance with manufacturer's specifications and building codes;
(ii) electrical, plumbing, and fuel line installation by licensed contractors;
(iii) electrical connection installation in compliance with building codes;
(iv) fuel line connection installation in compliance with building codes;
(v) maintenance in good condition;
(vi) screening of generators visible from street faced by the dwelling or located in unfenced side or rear yard; location restrictions cannot increase cost of installation by more than 10% or increase the cost of installation of connections by more than 20%;
(vii) reasonable times for testing;
(viii) prohibition of use except during power interruptions;
(ix) prohibition of placement on POA or common property;
(x) approval of installation; POA may not withhold approval if installation meets or exceeds dedicatory instrument provisions;
(xi) prohibition on requiring more information in an application for approval than any other application for approval of improvements;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 0975 **Caption:** relating to charitable raffles conducted by certain professional sports team charitable foundations; creating a criminal offense

Effective Date: 1-1-2016*

Application: *Subject to approval of constitutional amendment authorizing professional sports team charitable foundations to conduct raffles

Statutes Affected: OC 2004.001 et seq

Subject: Criminal penalties (Professional Sports Team Charitable Foundation Raffle Enabling Act)

Summary: Adds OC 2004.009 to create an offense:
(1) if a person accepts any form of payment other than money for the purchase of a raffle ticket for a charitable raffle conducted by a professional sports team charitable foundation;
(2) if a person sells or offers to sell a raffle ticket to an individual that the person knows to be younger than 18 years of age;
(3) if a person purchases a raffle ticket with the proceeds of a check issued as aid to families with dependent children (HR Chapter 31);
(4) if a person misrepresents the person's age or displays fraudulent evidence that the person is 18 years of age or older in order to purchase a raffle ticket;
Class C misdemeanor;

Subject:

Summary:

Subject:

Summary:

Comments: <div> </div>

<div>OC 2004.002. <div>Definitions</div>

<div>"Professional sports team" means a team organized in this state that is a member of Major League Baseball, the National Basketball Association, the National Hockey League, the National Football League, or Major League Soccer.</div>

<div> "Professional sports team charitable foundation" means an organization that:</div>

<div>(A) <div>holds a certificate of formation under the Business Organizations Code or is otherwise incorporated under the laws of this state;</div>

<div>(B) <div>is associated with a professional sports team; and</div>

<div>(C) <div>is formed for charitable purposes.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1022

Caption: relating to the eligibility for an exemption from ad valorem taxation of the residence homestead of certain persons with a life estate in the homestead property

Effective Date: 1-1-2016

Application: Applies only to an ad valorem tax year that begins on or after 1-1-2016

Statutes TX 11.13

Affected:

Subject: Residence homestead

Summary: Amends TX 11.13 to redefine "residence homestead" to include in the definition an owner's surviving spouse who has a life estate in the property;

Subject:

Summary:

Subject:

Summary:

Comments: <div>The residence homestead property tax exemption currently does not extend to an otherwise eligible surviving spouse who has been bequeathed a life estate in property instead of ownership in fee simple. HB 1022 amends the Tax Code to include in the definition of "residence homestead," as that term relates to the residence homestead property tax exemption, property occupied by an owner's surviving spouse who has a life estate in the property.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1040 **Caption:** relating to the liability of certain sports officials and organizations

Effective Date: 6-9-2015

Application: Applies only to an act, error, or omission that occurs on or after 6-9-2015

Statutes Affected: CV 94.001 et seq

Subject: Liability of sports official

Summary: Adds CV 94.002 to provide that a sports official who is engaged in an athletic competition is not liable for civil damages, including personal injury, wrongful death, property damage, or other loss related to any act, error, or omission that results from a risk inherent in the nature of the competitive activity in which the claimant chose to participate unless the act, error, or omission constitutes:
(1) gross negligence; or
(2) wanton, willful, or intentional misconduct;
mere violation of the rules of play of an athletic competition or failing to call a penalty, missing a call, or failing to enforce competition rules cannot in itself form the basis for liability;

Subject: Liability of sponsoring organization

Summary: Adds CV 94.003 to provide that a sponsoring organization cannot be held liable for an act, error, or omission of a sports official absent any new, independent, and separate act, error, or omission of the sponsoring organization that gave rise to the harm;

Subject:

Summary:

Comments: <div>Sports officials who officiate, judge, or enforce contest rules, along with certain sponsoring organizations, do not have the same type of liability protection as the individual participating in the athletic competition. HB 1040 provides protection to sports officials and sponsoring organizations by limiting their liability for civil damages related to an act, error, or omission that results from a risk inherent in the nature of the competitive activity.</div>

<div> </div>

<div>"Athletic competition" means any competitive group or solo sporting activity and includes:</div>

<div>(A) football, baseball, soccer, basketball, hockey, swimming, track, wrestling, bike or foot races, triathlon, equestrian competitions, golf, marksmanship competitions, darts, billiards, Frisbee golf, fishing tournaments, car racing, and any similar activity that involves any aspect of physical competition, coordination, endurance, or stamina; and</div>

<div>(B) a rodeo, livestock show, or related event or competition.</div>

<div>"Sponsoring organization" means the individual, club, association, or entity that undertakes to organize, underwrite, sanction, or promote:</div>

<div>(A) an interscholastic, intercollegiate, or other organized amateur athletic competition; or</div>

<div>(B) any rodeo, livestock show, or related event or competition. </div>

<div>"Sports official" means a person who officiates, judges, or in any manner enforces contest rules in any official capacity with respect to:</div>

<div>(A) an interscholastic, intercollegiate, or other organized amateur athletic competition and includes a referee, umpire, linesman, side judge, track or field marshal, timekeeper, or scorekeeper or any other person involved in supervising competitive play; or</div>

<div>(B) any rodeo, livestock show, or related event or competition.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1050 **Caption:** relating to liability of food donors

Effective Date: 6-16-2015

Application: Applies to the donation or distribution of food on or after 6-16-2015

Statutes CV 76.004

Affected:

Subject: Good faith donor act

Summary: Amends CV 76.004 to modify the civil or criminal liability provisions to include that the food be apparently wholesome at the time of donation in order for a person or gleaner to avoid liability for food donated to a church, a non-profit organization, or a not-for-profit organization, except for gross negligence, recklessness, or intentional misconduct;

Makes similar modification to the liability provisions for a nonprofit organization if the food is apparently wholesome at the time of distribution;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1052 **Caption:** relating to designating September as Hydrocephalus Awareness Month

Effective Date: 6-1-2015

Application:

Statutes GV 662.106

Affected:

Subject: Hydrocephalus Awareness Month

Summary: Amends GV 662.106 to change Hydrocephalus Awareness Month from October to September;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1061 **Caption:** relating to the prosecution of the offense of interference with public duties

Effective Date: 9-1-2015

Application: applies only to an offense committed on or after 9-1-2015

Statutes Affected: PE 38.15

Subject: Interference with public duties

Summary: Amends PE 38.15 to create a rebuttable presumption that an actor interferes with a peace officer if the actor intentionally disseminates the home address, home telephone number, emergency contact information, or social security number of the officer or a family member of the officer.

Provides that the presumption in Subsection (d-1) does not apply to information disseminated by:

- (1) a radio or television station that holds a license issued by the Federal Communications Commission; or
- (2) a newspaper that is:
 - (A) a free newspaper of general circulation or qualified to publish legal notices;
 - (B) published at least once a week; and
 - (C) available and of interest to the general public;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Current law does not adequately protect law enforcement officials from acts of retaliation, specifically with respect to the dissemination of personal information. These parties point to recent incidents in which private data belonging to employees of certain law enforcement agencies, including social security numbers and passwords, was published online by a hacking group. HB 1061 seeks to help protect against this type of incident.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1072

Caption: relating to the eligibility of certain persons to serve on the board of a property owners' association

Effective Date: 9-1-2015

Application:

Statutes Affected: PP 209.00591

Subject:

Board membership

Summary:

Amends PP 209.00591 to provide that a board member was convicted of a felony or crime involving moral turpitude not more than 20 years before the date the board is presented with the evidence, the board member is immediately ineligible to serve on the board of the property owners' association, automatically considered removed, and prohibited from future service on the board;

Subject:

Summary:

Subject:

Summary:

Comments:

<div>Recently enacted legislation made a property owners' association board member immediately ineligible to serve on, automatically considered removed from, and prohibited from future service on the board, for a prior conviction of a felony or crime involving moral turpitude. Interested parties explain that a home may be the greatest asset that a person will ever purchase and contend that a property owner should have the right to protect this investment. The parties suggest that creating a permanent bar against a property owner's ability to participate in the community is excessive, especially if the property owner has not been convicted of a felony or crime involving moral turpitude within the last 20 years. HB1072 seeks to address this issue by revising the related eligibility requirement for serving on a property owners' association board.</div>

<div> </div>

<div>As amended:</div>

<div>PP 209.00591. BOARD MEMBERSHIP. (a) Except as provided by this section, a provision in a dedicatory instrument that restricts a property owner's right to run for a position on the board of the property owners' association is void.</div>

<div>(b) If a board is presented with written, documented evidence from a database or other record maintained by a governmental law enforcement authority that a board member was convicted of a felony or crime involving moral turpitude<u> not more than 20 years before the date the board is presented with the evidence,</u> the board member is immediately ineligible to serve on the board of the property owners' association, automatically considered removed from the board, and prohibited from future service on the board.</div>

<div>(c) The declaration may provide for a period of declarant control of the association during which a declarant, or persons designated by the declarant, may appoint and remove board members and the officers of the association, other than board members or officers elected by members of the property owners' association. Regardless of the period of declarant control provided by the declaration, on or before the 120th day after the date 75 percent of the lots that may be created and made subject to the declaration are conveyed to owners other than a declarant, at least one-third of the board members must be elected by owners other than the declarant. If the declaration does not include the number of lots that may be created and made subject to the declaration, at least one-third of the board members must be elected by owners other than the declarant not later than the 10th anniversary of the date the declaration was recorded.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1128

Caption: relating to the issuance of specialty license plates for recipients of the Combat Action Badge, Medal, or Ribbon

Effective Date: 1-1-2016

Application:

Statutes TN 504.202

Affected:

Subject: Veterans with disabilities

Summary: Amends TN 504.202 to include specialty license plates issued under TN 504.320 for recipients of the Combat Action Badge (with emblem), Combat Action Medal, and the combat Action Ribbon; (may include these plates among those vehicles exempt from payment of parking fees collected through a parking meter when operated by or for persons with those license plates;)

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1150

Caption: relating to the sale of fireworks on and before certain holidays; affecting a provision subject to a criminal penalty

Effective Date: 9-1-2015

Application:

Statutes OC 2154.202

Affected: LG 352.051

Subject: Retail fireworks permit

Summary: Amends OC 2154.202 to authorize commissioners court to allow a retail fireworks permit holder to sell fireworks in the county only to the public and only during one or more of the following periods:

- (1) beginning February 25 and ending at midnight on March 2;
- (2) beginning April 16 and ending at midnight on April 21; and
- (3) beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May;

Subject: Regulation of restricted fireworks

Summary: Amends LG 352.051 to require commissioners court to adopt an order prohibiting or restricting the sale or use of restricted fireworks before:

- (1) February 15 of each year for the Texas Independence Day fireworks season;
- (2) April 1 of each year for the San Jacinto Day fireworks season;
- (3) April 25 of each year for the Cinco de Mayo fireworks season;
- (4) May 15 of each year for the Memorial Day fireworks season;
- (5) June 15 of each year for the Fourth of July fireworks season; and
- (6) December 15 of each year for each December fireworks season;

A person commits an offense if the person knowingly or intentionally violates a prohibition established by an order; Class C misdemeanor.

Subject:

Summary:

Comments: <div>HB 1150 amends the Local Government Code to include the Texas Independence Day, San Jacinto Day, and Memorial Day fireworks seasons among the seasons during which the Texas A&M Forest Service must make its services available daily to respond to the request of any county for a determination whether drought conditions exist on average in the county. The bill includes among the dates by which a county commissioners court must adopt an order restricting or prohibiting the sale or use of restricted fireworks in specified areas on a determination that drought conditions exist: February 15 of each year for the Texas Independence Day fireworks season, April 1 of each year for the San Jacinto Day fireworks season, and May 15 of each year for the Memorial Day fireworks season.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1151 **Caption:** relating to sexual harassment protection for unpaid interns

Effective Date: 9-1-2015

Application: Applies to a claim of discrimination based on conduct that occurs on or after 9-1-2015

Statutes Affected: LB 21.1065

Subject: Sexual harassment protections for unpaid interns

Summary: Adds LB 21.1065 to create an unlawful employment practice if sexual harassment of an unpaid intern occurs and the employer or the employer's agents or supervisors:

- (1) knew or should have known that the conduct constituting sexual harassment was occurring; and
- (2) failed to take immediate and appropriate corrective action;

"Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

- (1) submission to the advance, request, or conduct is made a term or condition of an individual's internship, either explicitly or implicitly;
- (2) submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's internship;
- (3) the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance at the individual's internship; or
- (4) the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment;

An individual is considered to be an unpaid intern of an employer if:

- (1) the individual's internship, even though it includes engagement in the employer's operations or the performance of productive work for the employer, is similar to training that would be given in an educational environment;
- (2) the individual's internship experience is for the individual's benefit;
- (3) the individual does not displace the employer's regular employees but works under close supervision of the employer's existing staff;
- (4) the employer does not derive any immediate advantage from the individual's internship activities and on occasion the employer's operations may be impeded by those activities;
- (5) the individual is not entitled to a job at the conclusion of the internship; and
- (6) the individual is not entitled to wages for the time spent in the internship;

"Employer" means:

- (A) a person who is engaged in an industry affecting commerce and who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year;
- (B) an agent of a person described by Paragraph (A);
- (C) an individual elected to public office in this state or a political subdivision of this state; or
- (D) a county, municipality, state agency, or state instrumentality, regardless of the number of individuals employed;

Subject:

Summary:

Subject:

Summary:

Comments: <div>A recent federal court ruling in a suit relating to sexual harassment of an unpaid intern established that there was no claim because the law protects paid employees, not unpaid interns. This result led to the enactment of legislation to protect unpaid interns from sexual harassment in a number of states. Interested parties contend that the lack of certain legal protections for unpaid interns may leave the door open for employers to take advantage of this vulnerable workforce group in Texas. HB 1151 seeks to address this concern.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1171

Caption: relating to the applicability of certain immunity and liability laws to open-enrollment charter schools

Effective Date: 6-18-2015

Application:

Statutes ED 12.1056

Affected:

Subject: Immunity from liability and suit

Summary: Amends ED 12.1056 to provide that an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district, and employees and volunteers of an open-enrollment charter school or charter holder are immune from liability and suit to the same extent as school district employees and volunteers;

Provides that an open-enrollment charter school is a governmental unit, and is subject to liability only as provided by the Texas Tort Claims Act for school districts;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1252 **Caption:** relating to uniform weighing procedures requirements for motor vehicle weight enforcement officers

Effective Date: 9-1-2015*

Application: Requires DPS to adopt uniform weighing procedures not later than 1-1-2016;Applies only to an offense committed on or after the effective date of the DPS rule;

Statutes Affected: TN 621.402
TN 621.508

Subject: Affirmative defense for operating vehicle over maximum allowable weight

Summary: Amends TN 621.508 to create an affirmative defense to the offense of operating a vehicle with a single axle weight, tandem axle weight, or gross weight heavier than the weight authorized by law, if at the time of the offense, the weight enforcement officer failed to follow DPS uniform weighing procedure for weight enforcement officers (established under TN 621.402);

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1264 **Caption:** relating to the preservation of toxicological evidence collected in connection with certain intoxication offenses

Effective Date: 9-1-2015

Application: Applies to all toxicological evidence stored on or after 9-1-2015 regardless of whether the evidence was collected before, on, or after 9-1-2015

Statutes Affected: CP 38.50

Subject: Retention and preservation of toxicological evidence of certain intoxication offenses

Summary: Adds CP 38.50 to require the retention and preservation of toxicological evidence collected pursuant to an investigation or prosecution of:
public intoxication
possession of alcoholic beverage in motor vehicle
driving while intoxicated
driving while intoxicated with child passenger
flying or boating while intoxicated
assembling or operating an amusement ride while intoxicated
intoxication assault
intoxication manslaughter
(1) for the greater of 2 years or the period of S/L for the offense if charging instrument has not been presented;
(2) for duration of defendant's sentence or term of community supervision;
(3) until defendant is acquitted or charging instrument dismissed with prejudice;

Defines "toxicological evidence" to mean a blood or urine specimen that was collected as part of an investigation of an alleged offense under PE Chapter 49 (Intoxication and Alcoholic Beverage Offenses);
Provides that this article applies to a governmental or public entity or an individual, including a law enforcement agency, prosecutor's office, or crime laboratory, that is charged with the collection, storage, preservation, analysis, or retrieval of toxicological evidence;

Requires the court to determine the appropriate retention and preservation period and notify defendant and entity charged with storage;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1265 **Caption:** relating to a deceptive act or practice involving a solicitation in connection with a good or service or involving the production, sale, distribution, or promotion of certain synthetic substances
Effective Date: 9-1-2015

Application: Applies to a cause of action that accrues on or after 9-1-2015

Statutes BC 17.46

Affected:

Subject: Deceptive trade practices unlawful

Summary: Amends BC 17.46 to define additional deceptive practices for:
(1) delivering or distributing a solicitation in connection with a good or service that:
(A) represents that the solicitation is sent on behalf of a governmental entity when it is not; or
(B) resembles a governmental notice or form that represents or implies that a criminal penalty may be imposed if the recipient does not remit payment for the good or service;
(2) delivering or distributing a solicitation in connection with a good or service that resembles a check or other negotiable instrument or invoice, unless the portion of the solicitation that resembles a check or other negotiable instrument or invoice includes the following notice, clearly and conspicuously printed in at least 18-point type: "SPECIMEN-NON-NEGOTIABLE";
(3) in the production, sale, distribution, or promotion of a synthetic substance that produces and is intended to produce an effect when consumed or ingested similar to, or in excess of, the effect of a controlled substance or controlled substance analogue, as those terms are defined by Section 481.002, Health and Safety Code:
(A) making a deceptive representation or designation about the synthetic substance; or
(B) causing confusion or misunderstanding as to the effects the synthetic substance causes when consumed or ingested; or
(31) a licensed public insurance adjuster directly or indirectly soliciting employment, as defined by Section 38.01, Penal Code, for an attorney, or a licensed public insurance adjuster entering into a contract with an insured for the primary purpose of referring the insured to an attorney without the intent to actually perform the services customarily provided by a licensed public insurance adjuster, provided that this subdivision may not be construed to prohibit a licensed public insurance adjuster from recommending a particular attorney to an insured;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties have raised concerns regarding commercial entities swindling money from victims by mailing solicitations in connection with a good or service that imitates government forms, many of which suggest the imposition of a criminal penalty should the recipient fail to remit a payment for the applicable good or service. In an effort to address the defrauding of those recipients who are unaware of the sender's intent, HB 1265 amends current law relating to deceptive trade practices.</div>

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<div>HB 1265 amends current law relating to a deceptive act or practice involving a solicitation in connection with a good or service or involving the production, sale, distribution, or promotion of certain synthetic substances.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1273

Caption: relating to certain military specialty license plates

Effective Date: 9-1-2015*

Application: License plates are not required to be issued until 1-1-2016

Statutes TN 504.202

Affected: TN 504.311 et seq

Subject: Designation of certain license plates for the military

Summary: Amends TN 504.311 et seq to create specialty license plates for persons who received the National Defense Service Medal, the Korean Service Medal, or Korean, Defense Service Medal, National Defense Service Medal, Vietnam Service Medal, Southwest Asia Service Medal, which include the words "Desert Shield/Storm/Provide Comfort," and Prisoner of War Medal;

May include vehicles with these license plates among those vehicles exempt from payment of parking fees collected through a parking meter when operated by or for persons with those license plates;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1293 **Caption:** relating to the confidentiality of identifying information of victims of stalking; creating a criminal offense

Effective Date: 9-1-2015*

Application: Requires the attorney general to develop and distribute pseudonym forms to all law enforcement agencies not later than 10-1-2015

Statutes Affected: CP 57A.01 et seq
PP 92.0161

Subject: Confidentiality of files and records (with identifying information of victims of stalking)

Summary: Adds CP 57A.02 to require the attorney general to develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim and to use the pseudonym in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings;
The victim may not be required to disclose the victim's name, address, and telephone number in connection with investigation or prosecution of the offense;
Provides that the form is confidential and prohibits it from being disclosed to any person other than the victim identified by the pseudonym form, a defendant in the case, or the defendant's attorney, except on an order of a court of competent jurisdiction

Requires the prosecuting attorney who receives notice that a victim has elected to be designated by a pseudonym to ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense;

Authorizes a court of competent jurisdiction to order the disclosure of a victim's name, address, and telephone number only if the court finds that:

- (1) the information is essential in the trial of the defendant for the offense;
- (2) the identity of the victim is in issue; or
- (3) the disclosure is in the best interest of the victim;

Prohibits a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age, except as required or permitted by other law or by court order, from releasing or disclosing the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case; provides that this subsection does not apply to the release or disclosure of a victim's identifying information by (1) the victim; or (2) the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense of stalking;

Subject: Offense

Summary: Adds CP 57A.03 to create an offense if a public servant with access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this chapter commits an offense if the public servant knowingly discloses the name, address, or telephone number of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or the person specified in the order of a court of competent jurisdiction;

Creates an offense if a public servant or other person (1) has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and
(2) knowingly discloses the name, address, or telephone number of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order of a court of competent jurisdiction; affirmative defense if actor is victim, or parent, conservator, or guardian of the victim, unless that person committed the offense of stalking;

Class C misdemeanor;

Subject: Right to vacate and avoid liability following certain sex offenses or stalking

Summary: Amends PP 92.0161 to provide that if the documentation provided to the landlord to support the right to vacate because the tenant is a victim or a parent or guardian of a victim of stalking identifies the victim by means of a pseudonym, the pseudonym form must be included;

Comments: <div>Obtaining a pseudonym for use in certain public records is currently an option for victims of sexual, family violence, or human trafficking offenses who wish to remain anonymous. This protection should also be available to a victim of stalking to protect a victim's identity in order to ensure the victim's safety.</div>

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SUMMARIES -- 84th LEGISLATURE -- 2015

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

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SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1334 Page 1 of 2 **Caption:** relating to the appeal of a residential eviction suit

Effective Date: 1-1-2016

Application: Applies to an eviction suit filed on or after 1-1-2016

Statutes Affected: PP 24.00511 et seq

Subject: Appeal bond for certain eviction suits

Summary: Adds PP 24.00511 to require, in a residential eviction suit for nonpayment of rent, the judge to state in the court's judgment the amount of the appeal bond, taking into consideration the money required to be paid into the court registry under PP 24.0053 (amount of rent to be paid each rental pay period during the pendency of any appeal); Provides that the bond must require the surety to provide the surety's contact information (address, phone number, and e-mail address, if any), and inform the court of any new contact information;

Subject: Contest of certain appeal bonds

Summary: Adds PP 24.00512 to allow an opposing party to contest an appeal bond amount, form of bond, or financial ability of a surety to pay the bond, by filing a written notice with the justice court on or before the 5th day after the date the bond is filed and serving a copy on the other party; after notice is filed, the justice court must notify the other party and the surety of the contest;

Court must hold a hearing on the contest not later than the 5th day after the date the contest is filed, to determine whether to approve or disapprove the amount or form of the bond or surety;

If the amount or form of the bond is contested, the contesting party must prove, by a preponderance of the evidence, that the amount or form is insufficient;

If the financial ability of a surety to pay the bond is contested, the party filing the bond must prove, by a preponderance of the evidence, that the surety has sufficient nonexempt assets to pay the appeal bond;

If the surety fails to appear at the contest hearing, the failure to appear is prima facie evidence that the bond should be disapproved;

If the bond is disapproved, not later than the 5th day after the date the bond is disapproved, the party appealing may make a cash deposit, file a sworn statement of inability to pay, or appeal the decision to the county court;

If the party appealing fails to make a cash deposit, file a sworn statement, or appeal the decision disapproving the bond, the judgment of the justice court becomes final and a writ of possession and other processes to enforce the judgment must be issued on the payment of the required fee;

If an appeal of the decision on the contest is filed, the justice court shall transmit the appeal bond and all relevant documents to the county court;

The court must docket the appeal of the contest, and schedule a hearing to be held not later than the 5th day after the date the appeal is docketed, and notify the parties; the contest is heard de novo; failure timely to hold the hearing is not grounds for approval or denial of the appeal; no writ of possession may issue before the county court issues a final decision on the appeal bond;

After the hearing in county court, the county clerk will transmit the record of the appeal to the justice court; if the county court disapproves the bond, the appealing party may perfect the appeal by making a cash deposit or filing a sworn statement of inability to pay with the justice court not later than the 5th day after the date the county court disapproves the bond; if the tenant fails timely to perfect the appeal following the county court's decision on the contest, the judgment of the justice court becomes final and a writ of possession and other processes to enforce the judgment must be issued on the payment of the required fee;

If the landlord is the appealing party, and the appeal is not perfected, the judgment of the justice court becomes final;

If the appeal bond is approved by the county court, the justice court proceeds as if the appeal bond was originally approved;

Subject: Contest of certain appeal bonds in county court

Summary: Adds PP 24.00521 to provide that a contest of an appeal bond filed in a justice court does not preclude a party

SUMMARIES -- 84th LEGISLATURE -- 2015

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

from contesting the appeal bond in the county court after the county court has jurisdiction of the eviction suit; the county court may modify the amount or form of the bond, or determine the sufficiency of the surety;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1334 Page 2 of 2 **Caption:** relating to the appeal of a residential eviction suit

Effective Date: 1-1-2016

Application: Applies only to an eviction suit filed on or after 1-1-2016

Statutes Affected: PP 24.00511 et seq

Subject: Payment of rent during appeal of eviction

Summary: Amends PP 24.0053 to provide that in an eviction suit for nonpayment of rent, if a tenant files a sworn statement or an appeal bond, the justice court must provide a written notice at the time of filing the sworn statement or appeal bond of the initial amount of rent to be deposited, the form of payment required, the date by which the payment is to be made, and the warning;

Provides that if a tenant files an appeal bond to appeal an eviction for nonpayment of rent, the tenant must, not later than the 5th day after the date the tenant filed the appeal bond, pay into the justice court registry the amount of rent to be paid in one rental pay period; if the tenant fails to pay the rent and the transcript has not yet been transmitted, the plaintiff may request a writ of possession; the appeal proceeds;

The plaintiff may withdraw money deposited into the court registry before final disposition by requesting a hearing in the county court;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Currently, a tenant is authorized to appeal a judgment in an eviction case by filing a bond, making a cash deposit, or filing a statement of inability to pay with the justice court. However, interested parties contend that there is no process to verify whether an appeal bond is valid nor any requirement that a tenant who files an appeal bond pay money into the court registry to cover the cost of rent while the appeal is pending, which the parties claim can take up to three months. The parties express concern that this lack of a verification process and deposit requirement leads to an abuse of appeal bonds by tenants attempting to delay legitimate evictions. SB 1334 seeks to provide a process for ensuring the validity and financial integrity of appeal bonds filed in eviction cases. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1364

Caption: relating to the issuance of specialty license plates to honor recipients of the Defense Meritorious Service Medal and the Meritorious Service Medal

Effective Date: 1-1-2016

Application:

Statutes TN 304.315

Affected:

Subject: Military specialty plates for extraordinary service

Summary: Amends TN 504.315 to create a specialty plate for recipients of the Defense Meritorious Service Medal; May include vehicles with these license plates among those vehicles exempt from payment of parking fees collected through a parking meter when operated by or for persons with those license plates;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1386 **Caption:** relating to the prohibition of more than one counsel appearing in a misdemeanor case

Effective Date: 9-1-2015

Application: Applies to a criminal proceeding that commences on or after 9-1-2015

Statutes Affected: CP 45.020

Subject: Appearance by counsel

Summary: Amends CP 45.020 to delete the prohibition of more than one counsel conducting either the prosecution or defense;

Subject:

Summary:

Subject:

Summary:

Comments: <div>The law should be updated to reflect the common understanding of court procedure, whereby a defendant may be represented by a team of attorneys working in consultation with one another. All defendants are entitled to secure the best representation available to them and it is unfair to place an arbitrary restriction to only one counsel. HB1386 amends current law relating to the prohibition of more than one counsel appearing in a misdemeanor case.</div>

<div> </div>

<div>As amended:</div>

<div>CP 45.020. APPEARANCE BY COUNSEL. (a) The defendant has a right to appear by counsel as in all other cases.</div>

<div>(b) State's counsel may open and conclude the argument in the case.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1396 Page 1 of 2 **Caption:** relating to certain criminal offenses, punishments, and procedures; the construction of certain statutes and rules that create or define criminal offenses and penalties; a review of certain penal laws of this state
Effective Date: 9-1-2015

Application: Penal Code changes apply only to an offense committed on or after 9-1-2015
GV 311.035 applies only to a criminal proceeding that commences on or after 9-1-2015

Statutes Affected: CP 18.02
CP 18.0215
CP 32.A.01
GV 311.035
PE 28.03 et seq

Subject: Access to cellular telephone or other wireless communications device

Summary: Amends CP 18.02 to allow a search warrant to issue for a cellular telephone or other wireless communication device;

Adds CP 18.0215 to prohibit a peace officer from searching a cellular telephone or other wireless communication device, pursuant to a lawful arrest of the person, without obtaining a warrant;

Warrant may issue only by a judge in the same judicial district as the site of:

- (1) the law enforcement agency that employs the peace officer, if the cellular telephone or other wireless communications device is in the officer's possession; or
- (2) the likely location of the telephone or device;

Allows a judge to issue a warrant only on the sworn application of a peace officer, which must:

- (1) state the name, department, agency, and address of the applicant;
- (2) identify the cellular telephone or other wireless communications device to be searched;
- (3) state the name of the owner or possessor of the telephone or device to be searched;
- (4) state the judicial district in which:
 - (A) the law enforcement agency that employs the peace officer is located, if the telephone or device is in the officer's possession; or
 - (B) the telephone or device is likely to be located; and
- (5) state the facts and circumstances that provide the applicant with probable cause to believe that:

(A) criminal activity has been, is, or will be committed; and

(B) searching the telephone or device is likely to produce evidence in the investigation of the criminal activity;

Allows a peace officer to search a cellular telephone or other wireless communications device without a warrant if:

- (1) the owner or possessor of the telephone or device consents to the search;
- (2) the telephone or device is reported stolen by the owner or possessor; or
- (3) the officer reasonably believes that:

(A) the telephone or device is in the possession of a fugitive from justice for whom an arrest warrant has been issued for committing a felony offense; or

(B) there exists an immediate life-threatening situation (hostage, barricade, or other emergency in which a person threatens another with death, or exposes another to substantial risk of serious bodily injury); (officer must apply for a warrant to search a cellular telephone or other wireless communications device as soon as practicable and if the judge finds that the person was not a fugitive or there was not a life threatening situation and declines to issue the warrant, any evidence obtained is not admissible in a criminal action;)

Subject: Trial priorities

Summary: Amends CP 32A.01 to give preference over other civil and criminal matters, to the trial of criminal actions in which the alleged victim is younger than 14 years of age;

Subject: Construction of statute or rule involving criminal offense or penalty

Summary: Adds GV 311.035 to provide that, except for a criminal offense or penalty under the Penal Code or under the Texas Controlled Substances Act, a statute or rule that creates or defines a criminal offense or penalty shall be construed in favor of the actor if any part of the statute or rule is ambiguous on its face or as applied to the case, including (i) an element of offense; or (ii) the penalty to be imposed;
Requires the judge to resolve an ambiguity of a part of a statute or rule;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1396 **Page 2 of 2** **Caption:** relating to certain criminal offenses, punishments, and procedures; the construction of certain statutes and rules that create or define criminal offenses and penalties; a review of certain penal laws of this state
Effective Date: 9-1-2015

Application: Penal Code changes apply only to an offense committed on or after 9-1-2015
GV 311.035 applies only to a criminal proceeding that commences on or after 9-1-2015

Statutes Affected: CP 18.02
CP 18.0215
CP 32.A.01
GV 311.035
PE 28.03 et seq

Subject: Penal Code offenses; amount of pecuniary loss

Summary: PE 28.03 Criminal Mischief: an offense is a Class C misdemeanor if the amount of pecuniary loss is less than \$100; or it causes substantial inconvenience to others (but not involving the public water supply);

PE 28.07 Interference with Railroad Property: An offense for entering or remaining on, or tampering with railroad property, or placing an obstruction on a railroad track or right-of-way, is a Class C misdemeanor unless the person causes pecuniary loss of \$100 or more;

PE 28.08 Graffiti: Unless on school property, an offense is a Class C misdemeanor if the amount of pecuniary loss is less than \$100;

PE 31.03 Theft: Unless the actor was as public servant, the actor contracted with government, the owner was an elderly individual or nonprofit organization, the actor was a Medicare provider, or the actor sounded a fire exit alarm, or deactivated a fire exit alarm or retail theft detector, or used a shielding instrument for a retail theft detector, an offense is a Class C misdemeanor if the value of the property stolen is less than \$100;

PE 31.04 Theft of Service: An offense is a Class C misdemeanor if the value of the service stolen is less than \$100;

PE 31.06 Organized Retail Theft: An offense is a Class C misdemeanor if the total value of the merchandise involved in the activity is less than \$100;

PE 32.23 Trademark Counterfeiting: An offense is a Class C misdemeanor if the retail value of the item or service is less than \$100;

PE 32.32 False Statement to Obtain Property or Credit or in the Provision of Certain Services: An offense is a Class C misdemeanor if the value of the property or the amount of credit is less than \$100;

PE 32.33 Hindering Secured Creditors: An offense for destroying, removing, concealing, encumbering, or otherwise harming or reducing the value of secured property is a Class C misdemeanor if the value of the property destroyed, removed, concealed, encumbered, or otherwise harmed or reduced in value is less than \$100; An offense for selling or disposing of secured property or failing to account for the proceeds of a sale or other disposition, is a Class C misdemeanor if the proceeds obtained from the sale or other disposition are money or goods having a value of less than \$100;

PE 32.35 Credit Card Transaction Record Laundering: An offense is a Class C misdemeanor if the amount of the record of a sale is less than \$100;

PE 32.441 Illegal recruitment of an Athlete: An offense is a Class C misdemeanor if the value of the benefit is less than \$100;

PE 32.45 Misapplication of Fiduciary Property or Property of Financial Institution: An offense is a Class C misdemeanor if the value of the property misapplied is less than \$100;

PE 32.46 Securing Execution of Document by Deception: An offense for causing another to sign any document affecting property or service or the pecuniary interest of any person is a Class C misdemeanor if the value of the property, service, or pecuniary interest is less than \$100;

PE 33.02 Breach of Computer Security: An offense for accessing a computer, computer network, or computer system to defraud or harm another or alter, damage, or delete property, is a Class C misdemeanor if the aggregate

SUMMARIES -- 84th LEGISLATURE -- 2015

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

amount involved is less than \$100;

PE 35.02 Insurance Fraud: An offense is a Class C misdemeanor if the value of the claim is less than \$100, unless the fraudulent act is in support of an application for an insurance policy;

PE 35A.02 Medicaid Fraud: An offense is a Class C misdemeanor if the amount of any payment or the value of any monetary or in-kind benefit provided or claim for payment made under the Medicaid program, directly or indirectly, as a result of the conduct is less than \$100;

PE 39.02 Abuse of official Capacity: An offense for a public servant obtaining a benefit by misusing government property, services, personnel, or other thing of value is a Class C misdemeanor if the value of the use of the thing misused is less than \$100;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1436 **Caption:** relating to appeals regarding dangerous dogs

Effective Date: 9-1-2015

Application: Applies only to a determination, decision, or hearing under HS 822.0421 or HS 822.0423 or HS 822.0424 that occurs on or after 9-1-2014

Statutes Affected: HS 822.042
HS 822.0421
HS 822.0423
HS 822.0424

Subject: Determination that dog is dangerous

Summary: Amends HS 822.0421 to require an animal control authority to notify the owner in writing of a determination that a dog is dangerous;
Allows an owner to appeal the determination of the animal control authority not later than the 15th day after the date the owner is notified, by filing a notice of appeal of the animal control authority's dangerous dog determination with the court, attaching a copy of the determination, and serving a copy of the notice of appeal on the animal control authority by mail;
Allows an appeal of the justice or municipal court under HS 842.0424;

Amends HS 822.042 to prohibit the court from ordering the destruction of a dog during the pendency of an appeal.

Subject: Hearing

Summary: Amends HS 822.0423 to require the court to determine the estimated costs to house and care for the impounded dog during the appeal process and to set the amount of bond for an appeal in an amount to cover the estimated costs;
Allows an appeal of the justice or municipal court under HS 842.0424;

Subject: Appeal

Summary: Adds HS 822.0424 to allow a party to appeal further a decision of the justice or municipal court hearing an appeal of a determination of an animal control authority, or to appeal a dangerous dog determination by a justice or municipal court, to a county court;
Allows a party to the appeal a jury trial on request;
Requires the appellant to file a notice of appeal not later than the 10th calendar day after the date of the decision, and if applicable, an appeal bond in the amount determined by the court;
(A party appealing from a municipal court is not required to file a motion for new trial;)
Allows the decision by a county court to be appealed to the court of appeals;
Grants the county court jurisdiction to hear an appeal of a dangerous dog determination;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1466 **Caption:** relating to Parks and Wildlife Department procedures for the transfer of ownership of boats or outboard motors; providing penalties; creating a criminal offense

Effective Date: 9-1-2015*

Application: Enforcement of the 20-day period for an owner to notify TPWD of a change in ownership of a vessel or outboard motor begins on or after 1-1-2016

Statutes Affected: PW 31.037
PW 31.045

Subject: Change in ownership interest; notice to department

Summary: Amends PW 31.037 to require the recorded owner of a vessel numbered in this state to notify TPWD not later than the 20th day after the date:
(1) of the transfer by sale, donation, gift, or other means of all or any part of the owner's interest in the vessel, other than the creation of a security interest in the vessel, rather than within a reasonable time of the transfer of all or any part of his interest in the vessel, other than the creation of a security interest;
(2) of the destruction or disposal of the vessel, rather than abandonment of the vessel; or
(3) of the permanent removal of the vessel from this state to another state or country;
New owner must apply to transfer the certificate of number not later than the 20th day after date ownership was transferred;

Class C PW misdemeanor (PW 31.127)

Subject: Ownership of vessels and outboard motors; certificates of title

Summary: Amends PW 31.045 to require the recorded owner of a vessel or outboard motor to notify the TPWD not later than the 20th day after the date (1) of transfer of the owner's interest or (2) of the permanent removal of the vessel or outboard motor from the state;

Class C PW misdemeanor (PW 31.127)

Subject:

Summary:

Comments: <div>PW 31.127. PENALTIES. (a) A person who violates or fails to comply with any provision of this chapter, or who violates or fails to comply with a proclamation of the commission entered under this chapter or a city ordinance or order of a commissioners court or a political subdivision of the state made or entered under this chapter, commits an offense that is a Class C Parks and Wildlife Code misdemeanor.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1491 **Caption:** relating to the publication of confidential criminal and juvenile justice records of certain juveniles; providing civil penalties

Effective Date: 9-1-2015

Application: Applies to any publication of criminal record information, confidential juvenile record information, or confidential criminal record information of a child that occurs on or after 9-1-2015 regardless of whether the information relates to events or activities that occurred before, on, or after 9-1-2015, or the information was initially published before that date

Statutes Affected: BC 109.001 et seq

Subject: Business entities engaged in publication of certain criminal record or juvenile record information
Definitions

Summary: Amends BC 109.002 to make BC Chapter 109 application to a business entity that publishes confidential juvenile record information or confidential criminal record information of a child in a manner not permitted by Chapter 58, Family Code, Chapter 45, Code of Criminal Procedure, or other law, regardless of:
(A) the source of the information; or
(B) whether the business entity charges a fee for access to or removal or correction of the information;

Subject: Publication of confidential juvenile record information or confidential criminal record information of a child prohibited

Summary: Adds BC 109.0045 to prohibit a business entity from publishing confidential juvenile record information or confidential criminal record information of a child;

A business entity that receives a written notice by any person that the business entity is publishing information in violation of this section, must immediately remove the information from the website or publication;

If the business entity confirms that the information is not confidential information of a child and is not otherwise prohibited from publication, the business entity may republish;

A business entity may publish confidential information of a child with written consent of the child given on or after the child's 18th birthday, or if the publication is authorized or required by other law, or the business entity is an interactive computer service and published material is provided by another person;

Subject:

Summary:

Comments: <div>Certain for-profit websites have been actively collecting arrest photos and criminal records in bulk and then posting the photos and records online. These photos and records may include personally identifiable information or pre-disposition arrest information and may never be updated for accuracy or completeness. Depending on the website, photos or records may be displayed along with fallacious or defamatory statements. </div>

<div> </div>

<div>In addition to posting misleading or inaccurate information, these websites can exploit the most vulnerable among us—children. Interested parties contend that children deserve a higher level of protection with regard to these sites than Texas law currently affords. It is often difficult for an affected person to remove personal information from the site, and some websites charge high fees for removal. A child is unlikely to be able to afford such fees or to have the capacity to pursue court remedies. HB 1491 seeks to minimize or eliminate the potential impact of this practice on children.</div>

<div> </div>

<div>Definitions:</div>

<div>"Confidential criminal record information of a child" means information about a person's involvement in the criminal justice system resulting from conduct that occurred or was alleged to occur when the person was younger than 17 years of age that is confidential under Chapter 45, Code of Criminal Procedure, or other law. The term does not include:</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

<div>(A) criminal record information of a person certified to stand trial as an adult for that conduct, as provided by Section 54.02, Family Code; or</div>

<div>(B) information relating to a traffic offense.</div>

<div>(6) "Confidential juvenile record information" means information about a person's involvement in the juvenile justice system that is confidential, sealed, under restricted access, or required to be destroyed under Chapter 58, Family Code, or other law, including:</div>

<div>(A) a description or notation of any referral to a juvenile probation department or court with jurisdiction under Title 3, Family Code, including any instances of being taken into custody, any informal disposition of a custodial or referral event, or any formal charges and the disposition of those charges;</div>

<div>(B) a photograph of the person taken pursuant to a custodial event or other involvement in the juvenile justice system under Title 3, Family Code; and</div>

<div>(C) personal identifying information of the person contained in any other records of the person's involvement in the juvenile justice system.</div>

<div>(7) "Information service" has the meaning assigned by 47 U.S.C. Section 153.</div>

<div>(8) "Interactive computer service" has the meaning assigned by 47 U.S.C. Section 230(f).</div>

<div>(9) "Telecommunications provider" has the meaning assigned by Section 51.002, Utilities Code.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1510 **Caption:** relating to liability of persons who lease dwellings to persons with criminal records

Effective Date: 1-1-2016

Application: Does not affect a cause of action that accrued before 1-1-2016

Statutes Affected: PP 92.025

Subject: Liability for leasing to person with criminal record

Summary: Adds PP 92.025 to prohibit a cause of action against a landlord or manager or agent solely for leasing a dwelling to a tenant convicted of, or arrested or placed on deferred adjudication for, an offense; Allows a cause of action for negligence in leasing if (a) the tenant was convicted of murder, capital murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, sexual assault, injury to a child, elderly or disabled individual, sexual performance by a child, first degree felony criminal solicitation, compelling prostitution, trafficking of persons, burglary, and certain drug offenses, or (b) has a reportable conviction or adjudication for continuous sexual abuse of young child, indecency with a child, sexual assault, aggravated sexual assault, or prohibited sexual conduct, compelling prostitution, unlawful restraint, kidnapping, second indecent exposure, criminal solicitation of minor, online solicitation of minor; and the person against whom the action is filed knew or should have known of the conviction or adjudication;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1542 **Caption:** relating to the use of digital message display systems in certain public facilities

Effective Date: 6-16-2015

Application:

Statutes LG 291.011

Affected:

Subject: Advertising inside certain county facilities

Summary: Adds LG 291.011 to allow commissioners court of a county to enter into an agreement with a public or private entity for a digital message display system to promote county information or news items of general interest in:

(1) a publicly accessible area of the office of the tax assessor-collector or a branch office established under Section 292.025 (Facilities in Certain Counties), 292.026 (Tax Assessor-Collector Facilities in Certain Counties With Populations Over 70,000), or 292.027 (Tax Assessor-Collector Facilities in Certain Counties) for which a deputy assessor-collector has been appointed; or
(2) a jury assembly room;

For the purpose of funding a digital message display system, authorizes a portion of the message to consist of digital advertisements, subject to the right of commissioners court to reject any proposed advertising to be displayed on a system;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1549

Caption: relating to nonsubstantive corrections in statutes to references to the Texas Youth Commission and Texas Juvenile Probation Commission

Effective Date: 9-1-2015

Application:

Statutes FA 51.031 et seq

Affected:

Subject:

Summary: Throughout the statutes, changes the name of the "Texas Youth Commission" to the "Texas Juvenile Justice Department;"

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1584

Caption: relating to a voluntary donation to the fund for veterans' assistance when applying for a hunting or fishing license

Effective Date: 9-1-2015*

Application: Applies only to a license purchased on or after *9-1-2016

Statutes
Affected: PW 12.007

Subject: Voluntary contribution to fund for veterans' assistance

Summary: Adds PW 12.007 to allow a person applying for a hunting or fishing license of any type, including a combination hunting and fishing license, to make a voluntary contribution of \$1, \$5, \$10, or \$20 to the veterans fund;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1595 **Caption:** relating to testing certain defendants or confined persons for communicable diseases

Effective Date: 6-17-2015

Application: Applies to a motion by the court or request of a magistrate or correctional facility employee made on or after 6-17-2015 regardless of whether the offense for which the person was arrested or the applicable contact with bodily fluids occurred before, on, or after that date

Statutes Affected: CP 18.22

Subject: Testing certain defendants or confined persons for communicable diseases

Summary: Amends CP 18.22 to include a magistrate and employee of a correction facility among those persons who, in addition to the court's own motion, may request a person arrested for a misdemeanor or felony who during the commission of the offense or the arrest, during a judicial proceeding, or during the initial period confinement after conviction or adjudication, causes the person's bodily fluids to come into contact to undergo a medical procedure to show whether the person has a communicable disease;

"Correctional facility includes a municipal or county jail."

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1643

Caption: relating to abatement of public nuisances on certain undeveloped land;
amending provisions subject to a criminal penalty

Effective Date: 6-15-2015

Application:

Statutes HS 343.002

Affected: HS 343.011

Subject: Definitions

Summary: Amends HS 343.002 to define "undeveloped land" to mean land in a natural, primitive state that lacks improvements, infrastructure, or utilities and that is located in an unincorporated area at least 5,000 feet outside the boundaries of a home-rule municipality;
Redefines "weeds" to mean all rank and uncultivated vegetable growth or matter that:
(A) has grown to more than 36 inches in height; or
(B) creates [may create] an unsanitary condition likely to attract or harbor mosquitoes, [become a harborage for] rodents, vermin, or other disease-carrying pests, regardless of the height of the weeds;
Provides that this subsection applies only to a county with a population of 3.3 million or more and only in an unincorporated area in the county that is at least 5,000 feet outside the boundaries of a home-rule municipality.
Provides that Subsections (c)(3) and (4) apply only to undeveloped land in the county for which:
(1) a condition on that land has been found to cause a public nuisance under those provisions in the preceding year; and
(2) a finding of public nuisance could have been applied to that condition when the condition first occurred;

Subject: Public nuisance

Summary: Amends HS 343.011 to make the section

Subject:

Summary:

Comments: <div>Certain authorities in Harris County are often being deployed in response to nuisance complaints that do not pose a threat to the public's health. These unnecessary deployments, the parties continue, are an issue in Harris County as developers build new subdivisions in previously undeveloped areas. The parties suggest that current nuisance law contains ambiguities that force county authorities to respond for purposes other than to protect the public from nuisances that pose a hazard to safety, health, and well-being. H.B. 1643 seeks to address this issue by better delineating what constitutes a public nuisance in certain counties.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1666 **Caption:** relating to the liability of certain persons for damages arising from training exercises to prepare the persons to respond to certain emergencies

Effective Date: 9-1-2015

Application: Applies to an act or omission in relating to a training exercise which begins on or after 9-1-2015

Statutes CV 78.151
Affected: CV 79.004

Subject: Liability for training exercises

Summary: Adds CV 78.151 to provide that a person is not liable for damages resulting from the person's execution of a training exercise intended to prepare the person to respond to a fire or emergency to the same extent that the person would not be liable for damages resulting from the person's actions in responding to a fire or emergency;

Subject: Liability for training exercises

Summary: Adds CV 79.004 to provide that a person who is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice with respect to the management of an incident is also immune from liability for an act or omission that occurs during a training exercise, except in a case of reckless conduct or intentional, willful, or wanton misconduct;

Subject:

Summary:

Comments: <div>"Good Samaritan laws" laws—limiting liability when strangers help others in times of need or emergency—cover volunteers during an actual emergency or disaster response, leaving the thousands of volunteers and the volunteer organizations they work for exposed to liability during planning, training, and exercises. HB 1666 seeks to extend immunity from liability to emergency and disaster volunteers during planning and training exercises.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1681

Caption: relating to the authority of a county clerk to require an individual to present photo identification to file certain documents in certain counties

Effective Date: 6-19-2015

Application:

Statutes LG 191.010

Affected:

Subject: Authority to require photo identification to file certain documents in certain counties

Summary: Adds LG 191.010 to allow a county clerk in a county with a population of 3.3 million or more to require a person presenting a document in person for filing in the real property records to present a photo identification to the clerk; Allows the clerk to copy the ID or record the information which is confidential;

"Photo identification" means one of the following forms of photo identification:

- (1) a driver's license, election identification certificate, or personal identification card issued by any state or territory of the United States that has not expired or that expired no earlier than 60 days before the date of presentation;
- (2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;
- (3) a United States citizenship certificate that contains the person's photograph;
- (4) a United States Permanent Resident Card that has not expired or that expired no earlier than 60 days before the date of presentation;
- (5) an identification card issued by a municipality intended to serve as a general identification card for the holder that has not expired or that expired no earlier than 60 days before the date of presentation;
- (6) a federally recognized tribal enrollment card or other form of tribal identification that has not expired or that expired no earlier than 60 days before the date of presentation;
- (7) a United States passport or a passport issued by a foreign government recognized by the United States issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or
- (8) a license to carry a concealed handgun issued by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Reports indicate that seemingly suspicious transactions are sometimes conducted in the lobbies of county clerk offices and that fraudulent documents are sometimes later found to have been filed. Proponents claim that requiring a person filing a document with a county clerk to provide identification and to include identifying information along with the filed document would help deter fraudulent filings. HB 1681 seeks to address this issue by allowing the clerk to ask for and make a copy of a picture ID of the person filing the document at the time of filing. </div>

<div> </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1683 **Caption:** relating to an identifying number assigned to a notary public by the secretary of state

Effective Date: 1-1-2016

Application: Secretary of State is required to issue an identifying number only to a notary public who applies for a commission on or after 1-1-2016

Statutes Affected: GV 406.001 et seq

Subject: Appointments
Supplies

Summary: Amends GV 406.011 to require the secretary of state to assign each notary public an identifying number and keep a record of the number assigned;

Amends GV 406.008 to require the secretary of state to supply the notary public, among other things, with the identifying number assigned to the notary public;

Subject: Seal

Summary: Amends GV 406.013 to require the notary public to provide a seal of office that clearly shows, when embossed, stamped, or printed on a document, the words "Notary Public, State of Texas" around a star of five points, the notary public's name, the notary public's identifying number, and the date the commission expires;

Subject:

Summary:

Comments: <div>Currently, a notary public's stamp does not have unique identifying information. For instance, if the notary's name is Mary Smith, there is no method to identify Mary Smith as the Mary Smith who was the notary on a document should there ever be a question regarding the notarization or authenticity of the document. In an effort to connect notary publics to a document that they have notarized, HB 1683 requires that the secretary of state issue an identifying number to a notary public who applies for a commission or a reappointment on or after the effective date of this bill.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1733 **Caption:** relating to automobile liability insurance for transportation network company drivers

Effective Date: 1-1-2016

Application: Applies to automobile insurance policies in this state, including policies issued by a Lloyd's plan, a reciprocal or interinsurance exchange, and a county mutual insurance company;

Prohibits a construction of these provisions to invalidate or limit an exclusion contained in a policy form, including a policy form in use or approved for use in this state before January 1, 2016, that excludes coverage for automobiles used to carry persons or property for compensation or available for hire by the public;

Statutes Affected: IN 1954.001 et seq

Subject: General insurance requirement

Summary: Adds OC 1954.051 to Requires a transportation network company driver or transportation network company on the driver's behalf to maintain primary automobile insurance that allows a transportation network company driver to use a personal vehicle to transport transportation network company riders for compensation and cover the driver while (1) the driver is logged on to the transportation network company's digital network; or (2) the driver is engaged in a prearranged ride;

Requires that insurance comply with the law applicable to personal automobile insurance in this state and be satisfied by: (1) automobile insurance maintained by the transportation network company driver and/or (2) automobile insurance maintained by the transportation network company;

Requires the insurance policy, at the time a transportation network company driver is engaged in a prearranged ride, to provide, at a minimum:

- (1) coverage with a total aggregate limit of liability of \$1 million for death, bodily injury, and property damage for each incident;
- (2) uninsured or underinsured motorist coverage where required; and
- (3) personal injury protection coverage where required;

Requires the transportation network company, if an insurance policy maintained by a transportation network company driver under this subchapter has lapsed or does not provide the coverage required by this subchapter, to provide the coverage required by this subchapter beginning with the first dollar of a claim against the driver;

Subject: Required disclosures

Summary: Adds IN 1954.101 to require that before a transportation network company driver may accept a request for a prearranged ride on a transportation network company's digital network, to disclose in writing (1) the insurance policy, including the types of coverage and the limits for the policy, that the company provides while a driver uses a personal vehicle in connection with the company's digital network; and (2) that the driver's personal automobile insurance policy may not provide coverage, depending on the policy's terms, while the driver is logged on to the company's digital network and is available to receive transportation requests or is engaged in a prearranged ride;

Subject: Authorized exclusions

Summary: Adds IN 1954.151 to authorize an insurer to exclude from coverage under a personal automobile insurance policy issued to an owner or operator of a personal vehicle any loss or injury that occurs while a transportation network company driver using the personal vehicle (1) is logged on to a transportation network company's digital network; or (2) is engaged in a prearranged ride; and applies to any coverage included in a personal automobile insurance policy, including:

- (1) liability coverage for bodily injury and property damage;
- (2) personal injury protection coverage;
- (3) uninsured and underinsured motorist coverage;
- (4) medical payment coverage;
- (5) comprehensive physical damage coverage; and
- (6) collision physical damage coverage.

Provides that an exclusion applies notwithstanding a financial responsibility requirement under Chapter 601, Transportation Code;

Comments: <div>Technological advances have driven major innovations in the vehicle-for-hire service sector, which has resulted in new transportation network companies (TNCs) now providing services in many cities across Texas. The rapid growth of this industry has revealed the need for innovation in both the automobile insurance market

SUMMARIES -- 84th LEGISLATURE -- 2015

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

and insurance regulations in order to ensure public safety. According to the parties, under current law, drivers for TNCs are dependent on their personal automobile insurance policy as their primary insurance when they are driving and using a TNC application to search for riders. There are concerns that most insurers consider this a commercial activity and exclude coverage under a "livery exclusion" that is standard in most private passenger automobile policies. HB 1733 seeks to address issues relating to automobile liability insurance coverage for TNC drivers.

"Personal vehicle" means a vehicle that is used by a transportation network company driver and is:

(A) owned, leased, or otherwise authorized for use by the driver; and

(B) not a taxicab, limousine, or similar for-hire vehicle.

"Prearranged ride" means transportation provided by a transportation network company driver to a transportation network company rider, beginning at the time a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company and ending at the time the last requesting rider departs from the driver's personal vehicle. The term does not include:

(A) a shared expense carpool or vanpool arrangement or service; or

(B) transportation provided using a taxicab, limousine, or similar for-hire vehicle.

"Transportation network company" means a corporation, partnership, sole proprietorship, or other entity operating in this state that uses a digital network to connect a transportation network company rider to a transportation network company driver for a prearranged ride. The term does not include an entity arranging nonemergency medical transportation under a contract with the state or a managed care organization for individuals qualifying for Medicaid or Medicare.

"Transportation network company driver" means an individual who:

(A) receives connections to potential transportation network company riders and related services from a transportation network company in exchange for payment of a fee to the company; and

(B) uses a personal vehicle to offer or provide a prearranged ride to a transportation network company rider on connection with the rider through a digital network controlled by the company in exchange for compensation or payment of a fee.

"Transportation network company rider" means an individual who uses a transportation network company's digital network to connect with a transportation network company driver who provides a prearranged ride to the individual in the driver's personal vehicle between points chosen by the individual;

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1783

Caption: relating to the right of a school employee to report a crime, persons subject to the prohibition on coercing another into suppressing or failing to report information to a law enforcement agency, and the reporting of criminal history record information of educators and other public school employees who engage in certain misconduct; creating a criminal offense

Effective Date: 9-1-2015

Application: Applies to an offense committed on or after 9-1-2015

Statutes ED 37.148

Affected: PE 19.06

Subject: Right to report crime

Summary: Adds ED 37.148 to allow an employee of a school district or open enrollment charter school to report a crime witnessed at the school to any peace officer with authority to investigate the crime; Prohibits a school district from adopting a policy that prohibits an employee from reporting a crime witnessed at the school, or reporting a crime witnessed at the school only to certain persons or peace officers;

Subject: Misuse of official information

Summary: Amends PE 39.06 to provide that a public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office or employment and that has not been made public, the person, as a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency; "Information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Chapter 552, Government Code Class C misdemeanor;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1786 **Caption:** relating to the transfer of driver and traffic safety education from the Texas Education Agency and the Department of Public Safety to the Texas Department of Licensing and Regulation; changing the amounts of certain fees

Effective Date: 9-1-2015

Application: To the extent of any conflict, HB 1786 prevails over another Act of the 84th Legislature relating to nonsubstantive additions to and corrections in enacted codes

Statutes Affected: CP 45.0511
TN 521.1601 et seq
TN 543.111 et seq
TN 545.412 et seq

Subject: Driving safety course or motorcycle operator course dismissal procedures

Summary: Amends CP 45.0511 to change the reference to a driving safety course approved by the Texas Department of Licensing and Regulation (rather than Texas Education Agency);

Subject: Child passenger safety seat systems; offense
Safety belts; offense

Summary: Amends TN 545.412 to change references to driving safety course approved by the Texas Department of Licensing and Regulation (rather than Texas Education Agency), and to a specialized driving safety course approved by the Texas Department of Licensing and Regulation (rather than Texas Education Agency) under Chapter 1001, Education Code;

Amends TN 545.413 to change references to driving safety course approved by the Texas Department of Licensing and Regulation (rather than Texas Education Agency), and to a specialized driving safety course approved by the Texas Department of Licensing and Regulation (rather than Texas Education Agency) under Chapter 1001, Education Code;

Subject:

Summary:

Comments: <div>HB 1786 amends current law relating to the transfer of driver and traffic safety education from the Texas Education Agency to the Department of Public Safety to the Texas Department of Licensing and Regulation, changes the amounts of certain fees, and amends a provision subject a criminal penalty. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 1853 **Caption:** relating to the removal of a tenant's personal property after a writ of possession has been issued in an eviction suit

Effective Date: 9-1-2015

Application:

Statutes Affected: PP 24.0061

Subject: Writ of possession

Summary: Amends PP 24.0061 to allow a city to provide a container into which the officer execution a writ of possession may put personal property; the container is provided free of charge to the landlord or owner of personal property; allows the city to remove the container and dispose of the contents by any lawful means if the owner does not recover the property within a reasonable time after the time the property is placed in the container;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Currently, an evicted person's possessions may be placed at a location near the residence from which the person is being evicted by an officer executing the related writ of possession or by another authorized person. Some municipalities, interested parties note, have experienced problems with the person's possessions in such cases being spread throughout the streets and neighborhoods near the location of the residence. According to the parties, the City of Garland has developed its own response to this problem by providing a portable closed container for the evicted person's possessions after an eviction has occurred, at no cost to the evicted person or the landlord of the residence. HB 1853 seeks to address a municipality's authority regarding the placement of removed property after a writ of possession has been issued in an eviction suit.</div>

<div> </div>

<div>As amended:</div>

<div>PP 24.0061. WRIT OF POSSESSION. (a) A landlord who prevails in an eviction suit is entitled to a judgment for possession of the premises and a writ of possession. In this chapter, "premises" means the unit that is occupied or rented and any outside area or facility that the tenant is entitled to use under a written lease or oral rental agreement, or that is held out for the use of tenants generally.</div>

<div>(b) A writ of possession may not be issued before the sixth day after the date on which the judgment for possession is rendered unless a possession bond has been filed and approved under the Texas Rules of Civil Procedure and judgment for possession is thereafter granted by default.</div>

<div>(c) The court shall notify a tenant in writing of a default judgment for possession by sending a copy of the judgment to the premises by first class mail not later than 48 hours after the entry of the judgment.</div>

<div>(d) The writ of possession shall order the officer executing the writ to:</div>

<div>(1) post a written warning of at least 8-1/2 by 11 inches on the exterior of the front door of the rental unit notifying the tenant that the writ has been issued and that the writ will be executed on or after a specific date and time stated in the warning not sooner than 24 hours after the warning is posted; and</div>

<div>(2) when the writ is executed:</div>

<div>(A) deliver possession of the premises to the landlord;</div>

<div>(B) instruct the tenant and all persons claiming under the tenant to leave the premises immediately, and, if the persons fail to comply, physically remove them;</div>

<div>(C) instruct the tenant to remove or to allow the landlord, the landlord's representatives, or other persons acting under the officer's supervision to remove all personal property from the rental unit other than personal property claimed to be owned by the landlord; and</div>

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(D) place, or have an authorized person place, the removed personal property outside the rental unit at a nearby location, but not blocking a public sidewalk, passageway, or street and not while it is raining, sleeting, or snowing, except as provided by Subsection (d-1).

(d-1) A municipality may provide, without charge to the landlord or to the owner of personal property removed from a rental unit under Subsection (d), a portable, closed container into which the removed personal property shall be placed by the officer executing the writ or by the authorized person. The municipality may remove the container from the location near the rental unit and dispose of the contents by any lawful means if the owner of the removed personal property does not recover the property from the container within a reasonable time after the time the property is placed in the container.

(e) The writ of possession shall authorize the officer, at the officer's discretion, to engage the services of a bonded or insured warehouseman to remove and store, subject to applicable law, part or all of the property at no cost to the landlord or the officer executing the writ.

(f) The officer may not require the landlord to store the property.

(g) The writ of possession shall contain notice to the officer that under Section [7.003](#), Civil Practice and Remedies Code, the officer is not liable for damages resulting from the execution of the writ if the officer executes the writ in good faith and with reasonable diligence.

(h) A sheriff or constable may use reasonable force in executing a writ under this section.

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

Bill Number: HB 1888 **Caption:** relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; authorizing a fee; increasing a penalty

Effective Date: 1-1-2016

Application: Applies to an application made, a permit issued, or an offense that is committed on or after 1-1-2016;

Statutes Affected: TN 521.003
TN 522.011
TN 522.042
TN 548.605

Subject: Commercial Driver's License Act
Definitions; Operating commercial motor vehicle without a license

Summary: Amends TN 522.003 to redefine "driver's license" to mean an authorization issued by the department for the operation of a motor vehicle, including: (A) a temporary license or instruction permit; and (B) an occupational license, except the term does not include a commercial learner's permit unless otherwise provided;

Amends TN 522.011 to redefine the offense of operating a commercial motor vehicle without a license:

As amended:
TN 522.011 License or permit required; offense

(a) A person may not drive a commercial motor vehicle unless:

(1) the person:

(A) has in the person's immediate possession a commercial driver's license issued by the department appropriate for the class of vehicle being driven; and

(B) is not disqualified or subject to an out-of-service order;

(2) the person:

(A) has in the person's immediate possession a commercial learner's permit and driver's license issued by the department; and

(B) is accompanied by the holder of a commercial driver's license issued by the department with any necessary endorsements appropriate for the class of vehicle being driven, and the license holder:

(i) for the purpose of giving instruction in driving the vehicle, at all times occupies a seat beside the permit holder or, in the case of a passenger vehicle, directly behind the driver in a location that allows for direct observation and supervision of the permit; and

(ii) is not disqualified or subject to an out-of-service order; or

(3) the person is authorized to drive the vehicle under Section 522.015.

(b) A person commits an offense if the person violates Subsection (a).

(c) An offense under this section is a misdemeanor punishable by a fine not to exceed \$500, except that the offense is a misdemeanor punishable by a fine not to exceed \$1,000 if it is shown on the trial of the offense that the defendant was convicted of an offense under this section in the year preceding the date of the offense that is the subject of the trial.

(d) It is a defense to prosecution under Subsection (a)(1)(A) if the person charged produces in court a commercial driver's license that:

(1) was issued to the person;

(2) is appropriate for the class of vehicle being driven; and

(3) was valid when the offense was committed.

(e) It is a defense to prosecution for a violation of Subsection (a)(2)(A) if the person charged produces in court a commercial learner's permit or driver's license, as appropriate, that:

(1) was issued to the person; and

(2) was valid when the offense was committed.

(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (e).

Subject: Endorsements; offense

Summary: Amends TN 522.042 to modify the elements of the offense of operating a commercial motor vehicle with a license that does not contain proper endorsements, to provide:

As amended:
TN 522.042 Endorsements; offense

(a) The department may issue a commercial driver's license with endorsements:

(1) authorizing the driving of a vehicle transporting hazardous materials, subject to the requirements of Title 49 C.F.R. Part 1572;

(2) authorizing the towing of a double or triple trailer or a trailer over a specified weight;

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- (3) authorizing the driving of a vehicle carrying passengers;
- (4) authorizing the driving of a tank vehicle;
- (5) representing a combination of hazardous materials and tank vehicle endorsements; or
- (6) authorizing the driving of a school bus, as defined by Section [541.201](#).
- (b) The holder of a commercial driver's license may not drive a vehicle that requires an endorsement unless the proper endorsement appears on the license.
- (b) The department may issue a commercial learner's permit with endorsements authorizing the driving of a passenger vehicle, a school bus, or a tank vehicle.
- (c) An endorsement under Subsection (b) for a passenger vehicle or a school bus allows a permit holder to operate a vehicle with only the following passengers:
 - (1) federal or state auditors and inspectors, test examiners, or other permit holders; and
 - (2) the commercial driver's license holder required under Section 522.011(a)(2)(B).
- (d) An endorsement under Subsection (b) for a tank vehicle allows a permit holder to operate only an empty tank vehicle that has been purged of any hazardous materials.
- (e) The holder of a commercial driver's license or commercial learner's permit may not drive a vehicle that requires an endorsement unless the proper endorsement appears on the license or permit.
- (f) A person commits an offense if the person violates Subsection (c), (d), or (e). An offense under this section is a Class C misdemeanor;

Amends TN Chapter 522 to make various conforming changes;

Subject: Operating a vehicle without complying with inspection requirements as certified; offense; dismissal of charge

Summary: Adds TN 548.605 to create an offense for operating a vehicle without complying with certified inspection requirements;

As amended:

TN 548.605 Operating a vehicle without complying with inspection requirements as certified; offense; dismissal of charge

- (a) In this section, "working day" means any day other than a Saturday, a Sunday, or a holiday on which county offices are closed.
- (b) A person commits an offense if:
 - (1) the person operates in this state a vehicle for which a certification was provided under Section 548.256(b); and
 - (2) the vehicle is not in compliance with the applicable inspection requirements under this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements.
- (c) A peace officer may require the owner or operator to produce a vehicle inspection report issued for the vehicle if the Texas Department of Motor Vehicles' registration database includes a notation for law enforcement to verify the inspection status of the vehicle.
- (d) It is a defense to prosecution under Subsection (b) that a passing vehicle inspection report issued for the vehicle is in effect at the time of the offense.
- (e) A court shall:
 - (1) dismiss a charge under this section if the defendant remedies the defect:
 - (A) not later than the 20th working day after the date of the citation or before the defendant's first court appearance date, whichever is later; and
 - (B) not later than the 40th working day after the applicable deadline provided by this chapter, Chapter 382, Health and Safety Code, or the department's administrative rules regarding inspection requirements; and
 - (2) assess an administrative fee not to exceed \$20 when the charge has been remedied under Subdivision (1).
- (f) An offense under this section is a Class C misdemeanor;

Amends TN 548.256 to require, before registering a vehicle, verification that the vehicle complies with applicable inspection requirements and HS Chapter 382;

Creates exceptions if the vehicle is located in another state at the time the applicant applies for registration or renewal and applicant certifies that if the vehicle is brought to Texas the applicant will comply with all inspection requirements;

Creates exceptions if the vehicle is being registered under the International Registration Plan (TN 502.091) or is a token trailer that is being registered under TN 502.255, or is registered for an extended period under TN 502.0023;

Comments: <div>Interested parties contend that Texas' roads become more dangerous when individuals operating motor vehicles do so without the adequate license or training to operate the vehicles. Parties also note that the state has a responsibility to ensure the safety of drivers and passengers on Texas roads by ensuring that all drivers have met the necessary requirements for operating a motor vehicle. In 2013 alone statistics from the Texas Department of Transportation cited more than 8,000 crashes, including 130 involving a fatality, in which a commercial vehicle driver who failed to have a valid commercial driver's license (CDL) was involved. Currently, driving with an invalid CDL is a Class C misdemeanor and carries a penalty of up to a \$500 fine. HB 1888 increases the fine for individuals driving without a CDL to a fine not to exceed \$1,000. </div>

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

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

Bill Number: HB 1905 **Caption:** relating to certain state and local taxes, including ad valorem taxes, and to the repeal of certain of those taxes

Effective Date: 9-1-2015

Application: Applies only to a violation that occurs on or after

Statutes Affected: TX 162.403, et seq

Subject: Criminal Penalties

Summary: Amends TX 162.405 to delete elements and renumber the elements that constitute an offense that is a Class C misdemeanor under TX 162.403, being (1), (2), (3), (4), (5), or (7):
(1) refuses to stop and permit the inspection and examination of a motor vehicle transporting or using motor fuel on the demand of a peace officer or the comptroller;
(2) is required to hold a valid trip permit or interstate trucker's license, but operates a motor vehicle in this state without a valid trip permit or interstate trucker's license;
(3) transports gasoline or diesel fuel in any cargo tank that has a connection by pipe, tube, valve, or otherwise with the fuel injector or carburetor or with the fuel supply tank feeding the fuel injector or carburetor of the motor vehicle transporting the product;
(4) sells or delivers gasoline or diesel fuel from a fuel supply tank that is connected with the fuel injector or carburetor of a motor vehicle;
(5) owns or operates a motor vehicle for which reports or mileage records are required without an operating odometer or other device in good working condition to record accurately the miles traveled;
(6) sells or delivers dyed diesel fuel for the operation of a motor vehicle on a public highway;
(7) uses dyed diesel fuel for the operation of a motor vehicle on a public highway except as allowed (use of dyed fuel that is lawful under the Internal Revenue Code and implementing regulations, including use in state and local government vehicles or buses);

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 2063 **Caption:** relating to the recording and effective date of certain documents relating to nonjudicial foreclosure sales

Effective Date: 9-1-2015

Application: Applies to a sale for which a notice is required on or after 9-1-2015

Statutes Affected: PP 12.0012
PP 51.0076

Subject: Instruments concerning real property subject to a foreclosure sale

Summary: Adds PP 12.0012 to require the county clerk to record the following documents, which shall serve as notice of the matter:
(1) an instrument appointing or authorizing a trustee or substitute trustee to exercise the power of sale in a security instrument;
(2) a notice of sale pursuant to which the sale under a power of sale occurred;
(3) a notice of default on which the sale evidenced by a deed conveying title from a trustee or substitute trustee to a purchaser occurred;
(4) documentation from the United States Department of Defense indicating that a debtor was not on active duty military service on the date of a foreclosure sale;
(5) a statement of facts regarding a foreclosure sale prepared by an attorney representing the trustee, substitute trustee, or mortgage servicer; or
(6) proof of service of the mailing of any notice related to a foreclosure sale;

Allows the document to be recorded if it is attached as an exhibit to a trustee's or substitute trustee's deed, or affidavit of a trustee or substitute trustee;

Subject: Effective date of appointment

Summary: Adds PP 51.0076 to provide that an appointment of a trustee or substitute trustee made in a notice of sale is effective as of the date of the notice if the notice complies with the requirements for sale of real property under contract lien, is signed by an attorney or agent of the mortgagee or mortgage servicer, and contains the following statement in all capital letters, and boldface type:
THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER;

Subject:

Summary:

Comments: <div>Current law relating to the sale of real property under a contract lien sets out requirements for notice of the sale. Certain actions must be performed by the mortgage servicer of the debt before notice of the sale can be given. If the mortgage servicer has appointed a trustee or substitute trustee to exercise the power of sale, that appointment is customarily recorded. Concerned parties report that frequently, trustee appointments are not received in time to meet legal deadlines for foreclosures. Furthermore, it is reported that only about one-third of properties posted for sale actually go to sale, resulting in title records with recorded appointments related to sales that never occurred. The parties explain that this situation has resulted in confusion in official public records relating to the title to property and to which trustee has authority to act in exercising power of sale. The parties contend that such confusion may lead to litigation over extraneous documents, notarizations, and timing of recording.</div>

<div>HB 2063 amends current law relating to the recording and effective date of certain documents relating to nonjudicial foreclosure sales.</div>

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

Bill Number: HB 2076 **Caption:** relating to notice requirements and other procedures relating to the possession or sale of a motor vehicle, motorboat, vessel, or outboard motor by a possessory lienholder

Effective Date: 6-19-2015*

Application: Applies to a required notice that is provided on or after 9-1-2015, and a sale for which required notice is provided on or after 9-1-2015

Statutes Affected: PP 70.001
PP 70.006

Subject: Worker's lien

Summary: Amends PP 70.001 to specify that a worker's lien on a motor vehicle, motorboat, vessel, or outboard motor is released when a worker: (1) receives good and sufficient payment for the amount due under the contract for repairs or the reasonable and usual compensation, and if applicable, the costs of repossession, or (2) relinquishes possession of the property;
Provides that the worker's right to possession may not be assigned in return for payment of any amount due;

Subject: Sale of motor vehicle, motorboat, vessel, or outboard motor

Summary: Amends PP 70.006 to allow the lienholder to obtain possession of the property by paying all charges due to the possessory lienholder before the 31st day after the date a copy of the notice is filed with the county tax assessor; if charges are not paid, the possessory lienholder may sell the property at a public sale which may not take place before the 31st day after the date a copy of the notice is filed with the county tax assessor's office;
After the filing of the notice, requires a possessory lienholder to an inspection to verify that repairs have been made; requires the inspection to be completed before the date of the public sale;
Requires the tax assessor to provide a copy of the notice with the date the notice was filed, to the owner and each lienholder recorded on the certificate of title to the motor vehicle;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2079 **Caption:** relating to the designation of May as Postpartum Depression Awareness Month

Effective Date: 9-1-2015

Application:

Statutes Affected: GV 662.110

Subject: Postpartum Depression Awareness Month

Summary: Adds GV 662.110 to designate May as Postpartum Depression Awareness Month to encourage identification of symptoms, creation of materials and resources, and screening, and to observe through appropriate programs and activities;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2150 **Caption:** relating to the organization of a grand jury

Effective Date: 9-1-2015

Application: Applies to a grand jury impaneled on or after 9-1-2015

Statutes Affected: CP 19.01 et seq

Subject: Selection and summons of prospective grand jurors

Summary: Amends CP 19.01 to require a district judge to direct that 20 -125 prospective grand jurors be selected and summoned in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts, with the judge trying the qualifications for and excuses from service as a grand juror, and impaneling the grand jury;

Amends CP 19.18 to require the sheriff to summon additional persons when less than 16 of those summoned to serve as grand jurors are found to be in attendance and qualified to serve; the grand jury is composed of 12 persons and 4 alternates, chosen from a fair cross section of the population of the area served by the court;

Amends CP 19.23 to require the person to be asked if the person is a citizen of Texas and Harris County, and qualified to vote; if the person is able to read and write; and if the person has ever been convicted of, or is under indictment for, misdemeanor theft or any felony;

Subject: Challenge to juror

Summary: Amends CP 19.31 to allow the following challenges to a particular grand juror:

1. That the juror is insane;
2. That the juror has such defect in the organs of feeling or hearing, or such bodily or mental defect or disease as to render the juror unfit for jury service, or that the juror is legally blind and the court in its discretion is not satisfied that the juror is fit for jury service in that particular case;
3. That the juror is a witness in or a target of an investigation of a grand jury;
4. That the juror served on a petit jury in a former trial of the same alleged conduct or offense that the grand jury is investigating;
5. That the juror has a bias or prejudice in favor of or against the person accused or suspected of committing an offense that the grand jury is investigating;
6. That from hearsay, or otherwise, there is established in the mind of the juror such a conclusion as to the guilt or innocence of the person accused or suspected of committing an offense that the grand jury is investigating as would influence the juror's vote on the presentment of an indictment;
7. That the juror is related within the third degree by consanguinity or affinity to a person accused or suspected of committing an offense that the grand jury is investigating or to a person who is a victim of an offense that the grand jury is investigating;
8. That the juror has a bias or prejudice against any phase of the law upon which the state is entitled to rely for an indictment;
9. That the juror is not a qualified juror; and
10. That the juror is the prosecutor upon an accusation against the person making the challenge.

Allows a challenge that the grand juror is a witness or target of an investigation may be made ex parte and shall be reviewed and ruled on in an in camera proceeding; and the court shall seal any record of the challenge.

Defines "legally blind" to mean having not more than 20/200 of visual acuity in the better eye with correcting lenses, or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

Subject: Recusal of juror

Summary: Adds CP 19.315 to require a juror to recuse himself or herself from grand jury service if, during the course of the service, the juror determines that the juror could be subject to a valid challenge for cause under CP 19.31; the recusal shall extend until the cause no longer exists;

A person who knowingly fails to recuse himself or herself may be held in contempt; any person authorized to be in the grant jury room shall report a known violation to the court;

Comments:

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

Bill Number: HB 2167

Caption: relating to certain images captured by an unmanned aircraft

Effective Date: 9-1-2015

Application: Applies only to an office committed on or after 9-1-2015

Statutes
Affected: GV 423.002

Subject: Use of Unmanned Aircraft
Inapplicability

Summary: Amends GV 423.002 to provide that it is lawful to capture an image using an unmanned aircraft in this state, among other purposes:
(1) for purposes of professional or scholarly research and development by a person acting on behalf of an institution of higher education or a private or independent institution of higher education;
(20) if the image is captured by a registered professional land surveyor in connection with the practice of professional surveying, provided that no individual is identifiable in the image; or
(21) if the image is captured by a professional engineer in connection with the practice of engineering, provided that no individual is identifiable in the image;

(Illegal use of unmanned aircraft to capture image (GV 423.003) is a Class C misdemeanor;)

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 2185 **Caption:** relating to the execution of a search warrant for taking a DNA specimen

Effective Date: 9-1-2015

Application: Applies to a search warrant issued on or after 9-1-2015

Statutes Affected: CP 18.065

Subject: Execution of warrant issued by district judge

Summary: Adds CP 18.065 to allow a warrant issued by a district judge to collect a DNA specimen for the purpose of connecting that person to an offense may be executed in any county in the state;
A warrant to collect DNA issued by a justice of the peace, magistrate or judge of other than a district judge, may not be executed outside of the county in which the warrant was issued;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2194 **Caption:** relating to the offense of leaving a motor vehicle unattended

Effective Date: 6-19-2015

Application: Applies only to an offense committed on or after 6-19-2015

Statutes Affected: TN 545.404

Subject: Unattended motor vehicle

Summary: Amends TN 545.404 to create an exception to the offense if the operator is starting the engine of a vehicle by using a remote starter or other similar device that (1) remotely starts the engine without placing the key in the ignition, and (2) requires the key to be placed in the ignition or physically present in the vehicle before the vehicle can be operated;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Current law is archaic and does not reflect the current technologies available to newer vehicles that have remote starting systems. Vehicle owners can start their vehicles remotely—even on a street or highway—and still secure their vehicle from unauthorized removal. HB 2194 permits an owner to remotely start a motor vehicle that is parked on a street or highway.</div>

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

Bill Number: HB 2216 **Caption:** relating to information required of an applicant for a driver's license

Effective Date: 9-1-2015

Application:

Statutes Affected: TN 521.142

Subject: Application for original license

Summary: Amends TN 521.142 to prohibit an application for a driver's license from including an inquiry regarding the mental health of the applicant, including an inquiry as to whether the applicant has been diagnosed with, treated for, or hospitalized for a psychiatric disorder, other than a general inquiry as to whether the applicant has a mental condition that may affect the applicant's ability to safely operate a motor vehicle;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Driver's license applicants must answer several questions relating to a person's psychiatric history without reference to its effect on the applicant's ability to drive. This is unfairly prejudicial to those with a medical history containing a psychiatric illness that does not affect the person's ability to drive.</div>

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

Bill Number: HB 2235

Caption: relating to the eligibility requirements of a notary public

Effective Date: 9-1-2015

Application:

Statutes GV 406.004

Affected:

Subject: Eligibility

Summary: Amends GV 406.004 to require the secretary of state to (1) reject the notary application, or (2) revoke the notary commission if the secretary of state discovers, at any time, that an applicant or a commissioned notary public is not eligible to serve;
Deletes from GV 406.009 the inclusion of a final conviction for a crime involving moral turpitude from the definition of "good cause;"

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 2246 **Caption:** relating to the restriction of certain intoxication offenders to the operation of a motor vehicle with an ignition interlock device in lieu of a license suspension

Effective Date: 9-1-2015

Application: Applies only to a person whose driver's license is suspended on or after 9-1-2015 regardless of whether the underlying incident giving rise to the suspension occurred before, on, or after 9-1-2015

Statutes Affected: CP 42.12
TN 521.242 et seq

Subject: Petition (for occupational license)

Summary: Amends TN 521.242 to provide persons convicted under PE 49.04-PE 49.08 (driving while intoxicated, driving while intoxicated with child passenger, flying while intoxicated, boating while intoxicated, assembling or operating an amusement ride while intoxicated, intoxication assault, and intoxication manslaughter) may not apply for an occupational license with the justice court;

Subject: Restricted license

Summary: Amends TN 521.2465 to require DPS to issue a restricted license that conspicuously indicates that the person is authorized to operate only a motor vehicle equipped with an ignition interlock device to a person restricted to the use of a motor vehicle equipped with an ignition interlock device;

Amends TN 521.2468 to provide that a person who is restricted to the operation of a vehicle equipped with an ignition interlock device is not subject to any time of travel, reason for travel, or location of travel restrictions;

Amends TN 521.251 to provide that a person granted an occupational license with proof that the person's vehicle is equipped with an ignition interlock may not be ordered to submit to the supervision of a community supervision and corrections department unless the order is entered by a court of record;

Subject:

Summary:

Comments: <div>A large percentage of individuals with licenses that have been suspended due to proceedings associated with certain intoxication offenses continue to drive with suspended licenses. These parties contend that an ignition interlock device is a more effective measure in these circumstances than license suspension alone and allows such individuals to continue working, attend school or treatment, and remain active in their communities. HB 2246 seeks to protect the public from these types of offenses while giving individuals involved in those proceedings the opportunity to continue to support themselves and their families.</div>

<div> </div>

<div>HB 2246 amends current law relating to the restriction of certain intoxication offenders to the operation of a motor vehicle with an ignition interlock device in lieu of a license suspension.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2278 **Caption:** relating to authorizing certain current and retired associate judges to conduct a marriage ceremony

Effective Date: 9-1-2015

Application:

Statutes Affected: FA 2.202

Subject: Persons authorized to conduct ceremony

Summary: Amends FA 2.202 to include associate judges of statutory probate courts, retired associate judges of statutory probate courts, associate judges of a county court at law, and retired associate judges of a county court at law among those persons who can conduct a marriage ceremony;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2299

Caption: relating to the nonsubstantive revision of certain laws concerning community supervision granted in criminal cases, including conforming amendments

Effective Date: 1-1-2017

Application:

Statutes CP 42.12 Repealed

Affected: CP 42A.001 et seq

Subject:

Summary: Repeals CP 42.12 relating to community supervision, and adds CP 42A.001 et seq governing community supervision, and makes conforming changes through the statutes;

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 2300

Caption: relating to eliminating telegraph transmission as a method to communicate certain information in a criminal case

Effective Date: 9-1-2015

Application:

Statutes Affected: CP 15.08

Subject: Warrant may be forwarded

Summary: Amends CP 15.08 and CP 15.09 to delete a telegraph transmission as a method by which a warrant of arrest may be forwarded;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2303 **Caption:** relating to a landowner's liability for injuries incurred during certain recreational activities

Effective Date: 6-19-2015

Application: Applies only to a cause of action that accrues on or after 6-19-2015

Statutes Affected: CV 75.001

Subject: Definitions

Summary: Amends CV 75.001 to include the use of recreational off-highway vehicles in the definition of recreation for the purposes of limitation of landowners' liability;

Subject:

Summary:

Subject:

Summary:

Comments: <div>HB 2303 amends the Civil Practice and Remedies Code to include the use of a recreational off-highway vehicle among the types of pleasure driving included in the definition of "recreation" for purposes of statutory provisions regarding the liability of certain owners, lessees, or occupants of land for injuries incurred during certain recreational activities by an individual who has entered the land.</div>

<div> </div>

<div>"Recreation" means an activity such as:</div>

<div>(A) </div>hunting;</div>

<div>(B) </div>fishing;</div>

<div>(C) </div>swimming;</div>

<div>(D) </div>boating;</div>

<div>(E) </div>camping;</div>

<div>(F) </div>picnicking;</div>

<div>(G) </div>hiking;</div>

<div>(H) </div>pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles and recreational off-highway vehicles;</div>

<div>(I) </div>nature study, including bird-watching;</div>

<div>(J) </div>cave exploration;</div>

<div>(K) </div>waterskiing and other water sports;</div>

<div>(L) </div>any other activity associated with enjoying nature or the outdoors;</div>

<div>(M) </div>bicycling and mountain biking;</div>

<div>(N) </div>disc golf; </div>

<div>(O) </div>on-leash and off-leash walking of dogs; or</div>

<div>(P) </div>radio control flying and related activities.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2391 **Caption:** relating to the redemption of certain stored value cards, including gift cards, for cash

Effective Date: 9-1-2015

Application:

Statutes Affected: BC 604.151 et seq

Subject: Cash refund for low-value card

Summary: Adds BC 604.152 to allow the consumer to request the seller to refund the balance of the card in cash if a stored value card is redeemed in person to make a purchase and a balance of less than \$2.50 remains following the redemption;

Does not apply to a stored value card issued as a refund for merchandise returned without a receipt, or that has an initial value of \$5 or less and to which additional value cannot be added;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2394 **Caption:** relating to the compelled production of certain customer records by a financial institution

Effective Date: 9-1-2015

Application:

Statutes Affected: FI 59.006

Subject: Discovery of customer records

Summary: Amends FI 69.006 to prohibit a court, from:
(1) ordering the financial institution to produce a record in response to the record request; or
(2) finding the financial institution to be in contempt of court for failing to produce the record, if the requesting party has not paid a financial institution's costs or posted a cost bond as required by Subsection (b)(2) (requiring a financial institution to produce a record in response to a record request only if, before the financial institution complies with the record request, the requesting party pays the financial institution's reasonable costs of complying with the record request, including costs of reproduction, postage, research, delivery, and attorney's fees, or posts a cost bond in an amount estimated by the financial institution to cover those costs);

Subject:

Summary:

Subject:

Summary:

Comments: <div>There are concerns regarding the current requirement that a party in a lawsuit requesting financial records pay for those records to be produced. Interested parties have expressed concern that some litigators are not complying with this requirement, which results in a financial institution either having to produce records without compensation for the effort or face contempt of court charges for not fulfilling the request. HB 2394 seeks to remedy this issue.</div>

<div> </div>

<div>As amended:</div>

<div>FI Sec. 59.006. </div> DISCOVERY OF CUSTOMER RECORDS. </div>

<div>(a) </div> This section provides the exclusive method for compelled discovery of a record of a financial institution relating to one or more customers but does not create a right of privacy in a record. </div> This section does not apply to and does not require or authorize a financial institution to give a customer notice of:</div>

<div>(1) </div> a demand or inquiry from a state or federal government agency authorized by law to conduct an examination of the financial institution;</div>

<div>(2) </div> a record request from a state or federal government agency or instrumentality under statutory or administrative authority that provides for, or is accompanied by, a specific mechanism for discovery and protection of a customer record of a financial institution, including a record request from a federal agency subject to the Right to Financial Privacy Act of 1978 (12 U.S.C. Section 3401 et seq.), as amended, or from the Internal Revenue Service under Section 1205, Internal Revenue Code of 1986;</div>

<div>(3) </div> a record request from or report to a government agency arising out of:</div>

<div>(A) </div> the investigation or prosecution of a criminal offense;</div>

<div>(B) </div> the investigation of alleged abuse, neglect, or exploitation of an elderly or disabled person in accordance with Chapter 48, Human Resources Code; or</div>

<div>(C) </div> the assessment for or provision of guardianship services under Subchapter E, Chapter 161, Human Resources Code;</div>

<div>(4) </div> a record request in connection with a garnishment proceeding in which the financial institution is garnishee and the customer is debtor;</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

<div>(5) a record request by a duly appointed receiver for the customer;</div>

<div>(6) an investigative demand or inquiry from a state legislative investigating committee;</div>

<div>(7) an investigative demand or inquiry from the attorney general of this state as authorized by law other than the procedural law governing discovery in civil cases; or</div>

<div>(8) the voluntary use or disclosure of a record by a financial institution subject to other applicable state or federal law.</div>

<div>(b) A financial institution shall produce a record in response to a record request only if:</div>

<div>(1) it is served with the record request not later than the 24th day before the date that compliance with the record request is required;</div>

<div>(2) before the financial institution complies with the record request the requesting party pays the financial institution's reasonable costs of complying with the record request, including costs of reproduction, postage, research, delivery, and attorney's fees, or posts a cost bond in an amount estimated by the financial institution to cover those costs; and</div>

<div>(3) if the customer is not a party to the proceeding in which the request was issued, the requesting party complies with Subsections (c) and (d) and:</div>

<div>(A) the financial institution receives the customer's written consent to release the record after a request under Subsection (c)(3); or</div>

<div>(B) the tribunal takes further action based on action initiated by the requesting party under Subsection (d).</div>

<div>(c) If the affected customer is not a party to the proceeding in which the record request was issued, in addition to serving the financial institution with a record request, the requesting party shall:</div>

<div>(1) give notice stating the rights of the customer under Subsection (e) and a copy of the request to each affected customer in the manner and within the time provided by Rule 21a, Texas Rules of Civil Procedure;</div>

<div>(2) file a certificate of service indicating that the customer has been mailed or served with the notice and a copy of the record request as required by this subsection with the tribunal and the financial institution; and</div>

<div>(3) request the customer's written consent authorizing the financial institution to comply with the request.</div>

<div>(d) If the customer that is not a party to the proceeding does not execute the written consent requested under Subsection (c)(3) on or before the date that compliance with the request is required, the requesting party may by written motion seek an in camera inspection of the requested record as its sole means of obtaining access to the requested record. In response to a motion for in camera inspection, the tribunal may inspect the requested record to determine its relevance to the matter before the tribunal. The tribunal may order redaction of portions of the records that the tribunal determines should not be produced and shall enter a protective order preventing the record that it orders produced from being:</div>

<div>(1) disclosed to a person who is not a party to the proceeding before the tribunal; and</div>

<div>(2) used by a person for any purpose other than resolving the dispute before the tribunal.</div>

<div>(e) A customer that is a party to the proceeding bears the burden of preventing or limiting the financial institution's compliance with a record request subject to this section by seeking an appropriate remedy, including filing a motion to quash the record request or a motion for a protective order. Any motion filed shall be served on the financial institution and the requesting party before the date that compliance with the request is required. A financial institution is not liable to its customer or another person for disclosure of a record in compliance with this section.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

<div>(f) A financial institution may not be required to produce a record under this section before the later of:</div>

<div>(1) the 24th day after the date of receipt of the record request as provided by Subsection (b)(1);</div>

<div>(2) the 15th day after the date of receipt of a customer consent to disclose a record as provided by Subsection (b)(3); or</div>

<div>(3) the 15th day after the date a court orders production of a record after an in camera inspection of a requested record as provided by Subsection (d).</div>

<div>(g) An order to quash or for protection or other remedy entered or denied by the tribunal under Subsection (d) or (e) is not a final order and an interlocutory appeal may not be taken.</div>

<div> </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

<div> </div>

<div>This bill would require a court to order the expunction from an individual's record, including any documents in the possession of a school district or law enforcement agency. The bill would require the court to inform the individual of the expunction. </div>

<div> </div>

<div>HB 2398 amends current law relating to court jurisdiction and procedures relating to truancy, establishes judicial donation trust funds, provides criminal penalties, and imposes a court cost.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2404 **Caption:** relating to certain security devices for residential tenancies

Effective Date: 1-1-2016

Application: Applies only to a lease entered into or renewed on or after 1-1-2016

Statutes Affected: PP 92.156

Subject: Rekeying or change of security devices

Summary: Amends PP 92.156 to provide that if a tenant vacates the premises in breach of a written lease, the landlord may deduct from the tenant's security deposit the reasonable cost incurred by the landlord to rekey a security device but only if the lease includes a provision that is underlined or printed in boldface type authorizing the deduction;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties contend that current provisions relating to required security devices on residential rental property do not adequately address concerns involving these devices, particularly how the liability for the cost of providing these security devices is impacted by the breach of a lease by a tenant. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2486 **Page 1 of 2** **Caption:** relating to the right of a person to enter the person's residence or former residence accompanied by a peace officer to recover certain personal property; creating an offense
Effective Date: 9-1-2015

Application:

Statutes Affected: PP 24A.001 et seq

Subject: Order authorizing entry and property retrieval; peace officer to accompany

Summary: Adds PP 24A.002 to allow a person who is unable to enter the person's residence or former residence, to apply to a justice court for an order authorizing the person to enter the residence, accompanied by a peace officer, to retrieve specific items of personal property;

Application must:

- (1) certify that the applicant is unable to enter the residence because the current occupant has denied access;
- (2) certify that, to the best of the applicant's knowledge, the applicant is not:
 - (A) the subject of an active protective order, a magistrate's order for emergency protection, or another court order prohibiting entry to the residence; or
 - (B) otherwise prohibited by law from entering the residence;
- (3) allege that the applicant or the applicant's minor dependent requires personal items located in the residence that are only of the following types:
 - (A) medical records;
 - (B) medicine and medical supplies;
 - (C) clothing;
 - (D) child-care items;
 - (E) legal or financial documents;
 - (F) checks or bank or credit cards in the name of the applicant;
 - (G) employment records; or
 - (H) personal identification documents;
- (4) describe with specificity the items that the applicant intends to retrieve;
- (5) allege that the applicant or the applicant's dependent will suffer personal harm if the items listed in the application are not retrieved promptly; and
- (6) include a lease or other documentary evidence that shows the applicant is currently or was formerly authorized to occupy the residence;

Applicant must execute bond, approved by the judge, with 2 or more good and sufficient sureties or one corporate surety, payable to the occupant of the residence, in an amount required by the judge, and is conditioned on applicant paying all damages and costs adjudged against the applicant for wrongful property retrieval;

Application may be granted on sufficient evidence of urgency and potential harm to the health and safety of any person, and after sufficient notice to the current occupant and an opportunity to be heard;

Judge may issue an order authorizing the applicant to enter the residence accompanied by a peace officer and retrieve the property listed in the application on a finding that:

- (1) the applicant is unable to enter the residence because the current occupant of the residence has denied the applicant access to the residence to retrieve the applicant's personal property or the personal property of the applicant's dependent;
- (2) the applicant is not:
 - (A) the subject of an active protective order, a magistrate's order for emergency protection, or another court order prohibiting entry to the residence; or
 - (B) otherwise prohibited by law from entering the residence;
- (3) there is a risk of personal harm to the applicant or the applicant's dependent if the items listed in the application are not retrieved promptly;
- (4) the applicant is currently or was formerly authorized to occupy the residence according to a lease or other documentary evidence; and
- (5) the current occupant received notice of the application and was provided an opportunity to appear before the court to contest the application;

Subject: Authorized entry procedures; duties of peace officer

Summary: Adds PP 24A.003 to allow a peace officer to accompany and assist the applicant in making the authorized entry

SUMMARIES -- 84th LEGISLATURE -- 2015

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

and retrieving the property listed in the application;
If current occupant present, peace officer must provide a copy of the court order;
Before removing property, applicant must submit all property retrieved to the peace officer to be inventoried;
Officer must provide a copy of the inventory to the applicant and current occupant, or if the occupant is not present, leave a copy in a conspicuous place;
Officer must file the original inventory with the court;
Officer may use reasonable force in providing assistance;
Officer who acts in good faith with reasonable diligence is not civilly liable for an act or omission in connection with the assistance, or civilly or criminally liable for the wrongful appropriation of property;

Subject: Immunity from liability

Summary: Adds PP 24A.004 to provide that a landlord or landlord's agent who permits or facilitates entry into a residence under a court order is not civilly or criminally liable for an act or omission that arises in connection with permitting or facilitating the entry;

Comments: <div>A difficult situation is created when one family member refuses to allow another to return home to retrieve personal belongings. Current law does not provide any procedural means by which these individuals can seek help in entering the home and retrieving their property. HB 2486 proposes an amendment to the Texas Property Code, to provide a procedural mechanism to retrieve property. An individual who is denied access to personal property located in a former residence would be able to apply for a court order authorizing entry. In the application, he or she would be required to: attest to denied entry, specify items needed, certify that no protective order prevents him or her from entry, and state the harm that will result if the application is denied. If the application is approved, a court order is issued and the applicant can be accompanied and protected by a peace officer while returning to the home.</div>

<div> </div>

<div>HB 2486 includes a Class B misdemeanor penalty for anyone who interferes with the court-ordered entry, and protects law enforcement from any civil or criminal liability. It also includes a defense to prosecution from this offense if a person did not receive a copy of the court order or notice that the entry to the property retrieval was authorized.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2486 **Page 2 of 2** **Caption:** relating to the right of a person to enter the person's residence or former residence accompanied by a peace officer to recover certain personal property; creating an offense
Effective Date: 9-1-2015

Application:

Statutes Affected: PP 24A.001 et seq

Affected:

Subject: Offense

Summary: Adds PP 24A.005 to create an offense if a person interferes with a person or peace officer entering a residence and retrieving personal property under the authority of a court order issued under PP 24A;
Creates a defense if the actor did not receive a copy of the court order or other notice that the entry or property retrieval was authorized;
Class B misdemeanor;

Subject: Hearing; review

Summary: Adds PP 24A.006 to allow the occupant of a residence that is the subject of a court order issued under PP Chapter 24A, to file a complaint in the court issuing the order alleging that the applicant has appropriated property belonging to the occupant or the occupant's dependent; the complaint must be filed not later than the 10th day after the date of the entry;
Requires the court promptly to hold a hearing on the complaint and rule on the disposition of the disputed property;
Allows the occupant any other remedy provided by law;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2489 **Caption:** relating to regulation by a property owners' association of residential leases or rental agreements

Effective Date: 6-19-2015

Application:

Statutes Affected: PP 209.016

Subject: Regulation of residential leases or rental agreements

Summary: Adds PP 209.016 to prohibit a property owners' association from adopting or enforcing a provision in a dedicatory instrument that:

- (1) requires a lease or rental applicant or a tenant to be submitted to and approved for tenancy by the property owners' association; or
- (2) requires the following information to be submitted to a property owners' association regarding a lease or rental applicant or current tenant:
 - (A) a consumer or credit report; or
 - (B) a lease or rental application submitted by the applicant, tenant, or that person's agent to the property owner or property owner's agent when applying for tenancy.

If a copy of the lease or rental agreement is required by the property owners' association, any sensitive personal information may be redacted or otherwise made unreadable or indecipherable;

Does not prohibit the adoption or enforcement of a provision in a dedicatory instrument establishing a restriction relating to occupancy or leasing;

"Sensitive personal information" means an individual's:

- (1) social security number;
- (2) driver's license number;
- (3) government-issued identification number; or
- (4) account, credit card, or debit card number;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Current law does not adequately provide safeguards against the interference of a property owners' association with regard to the leasing or rental of a homeowner's private property within that association. The parties suggest that the lack of regulation in this area could allow property owners' associations to take actions that interfere with and violate an individual's private property rights. HB 2489 seeks to address this issue by limiting the ability of a property owners' association to enforce certain provisions in the leasing or rental of a property owner's real property.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2499

Caption: relating to the electronic filing of bail bonds

Effective Date: 9-1-2015

Application:

Statutes CP 17.026

Affected:

Subject: Electronic filing of bail bond

Summary: Adds CP 17.026 to provide that in any manner permitted by the county in which the bond is written, a bail bond may be filed electronically with the court, judge, magistrate, or other officer taking the bond;

(Should have been written: in addition to any manner permitted by the county in which the bond is written, a bail bond may be filed electronically with the court, judge, magistrate, or other officer taking the bond;)

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2573 **Caption:** relating to a deceptive trade practice related to the use of certain words to imply that a person who is not an attorney is authorized to practice law and the prosecution of a cause of action arising from that practice
Effective Date: 9-1-2015

Application: Applies only to a cause of action that accrues on or after 9-1-2015

Statutes BC 17.46

Affected:

Subject: Deceptive trade practices unlawful

Summary: Amends BC 17.46 to include the following as a deceptive trade practice:
(28) using the translation into a foreign language of a title or other word, including "attorney," "lawyer," "licensed," "notary," and "notary public," in any written or electronic material, including an advertisement, a business card, a letterhead, stationery, a website, or an online video, in reference to a person who is not an attorney in order to imply that the person is authorized to practice law in the United States;

In an action for this violation prosecuted by the district or county attorney, 3/4 of any civil penalty awarded must be paid to the county;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties contend that it is difficult to prosecute certain kinds of immigration consulting fraud, including the practice of notaries public, or notarios, who are not licensed to practice law and take advantage of the Spanish cognate for lawyer mistranslation by representing themselves as if they are licensed to provide immigration services. The parties also report that local district, county, and city attorneys would prosecute these offenses if they were provided with the tools to do so. The type of immigration consulting fraud covered under this bill is not currently an explicit offense under the Texas Deceptive Trade Practices Act. This bill would expand authority and streamline the process in order to assist agencies who do not have the capacity to prosecute all immigration services fraud.</div>

<div> </div>

<div>A committee substitute was developed that includes advertising by electronic communications, such as websites and online videos, in the list of deceptive trade acts where many brazen notarios advertise almost exclusively in the United States.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2610

Caption: relating to the minimum number of minutes of instruction for students to be provided by public school districts and the scheduling of the last day of school for students by public school districts

Effective Date: 6-19-2015

Application: Applies beginning with the 2015-2016 school year

Statutes ED 25.0812

Affected:

Subject: Last day of school

Summary: Adds ED 25.0812 to provide that the last day of school for a school district offering grades kindergarten through grade 12 may not be before May 15th.

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2629

Caption: relating to unauthorized persons at public or private institutions of higher education in this state and to trespass, damage, or defacement occurring on the grounds of those institutions; amending provisions subject to a criminal penalty and creating offenses

Effective Date: 9-1-2015

Application:

Statutes Affected: ED 51.202
ED 51.204
ED 51.208
ED 51.209

Subject: Trespass, damage, defacement

Summary: Amends ED 51.204 to expand the offense of trespass and damaging or defacing buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers, to include private or independent institution of higher education;

"Institution of higher education" means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education;

"Private or independent institution of higher education" includes only a private or independent college or university that is:

(A) organized under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes);

(B) exempt from taxation under Article VIII, Section 2, of the Texas Constitution and Section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Section 501); and

(C) accredited by:

(i) the Commission on Colleges of the Southern Association of Colleges and Schools;

(ii) the Liaison Committee on Medical Education; or

(iii) the American Bar Association;

Subject: Unauthorized persons; refusal of entry, ejection, identification

Summary: Amends ED 51.029 to allow the governing board of public and private or independent institutions of higher education to refuse to allow entry to persons having no legitimate business, to eject any undesirable person on the person's refusal to leave peaceably on request, and to require a person to provide identification on request;

Subject: Penalty; courts having jurisdiction

Summary: Amends ED 51.208 to create any offense if a person violates any provision relating to Subchapter E, protection of buildings and grounds, or any rule or regulation promulgated under the Subchapter; misdemeanor punishable by a fine of not more than \$200;

Amends ED 51.202 to repeal the penalty provisions;

Comments: <div>Currently, the punishment for criminal trespass on the grounds of a private or independent institution of higher education is a Class B misdemeanor under the Penal Code while the punishment for criminal trespass on a public institution of higher education is a Class C misdemeanor under the Education Code. </div>

<div> HB 2629 affords campus police for private institutions the option of issuing a Class C citation. This would provide an officer the option to simply ticket rather than detain an individual as currently required by the Penal Code. Additionally, a ticket versus a transport to the county jail would keep the officers on campus and allow the officer to handle the incident in proportion to the seriousness of the incident. </div>

<div>HB 2629 amends the Education Code to include private or independent institutions of higher education to the current offense of campus trespass. HB 2629 amends the Education Code to grant campus police for private and independent institutions of higher education the authority to require identification of any person on the property.</div>

<div>HB 2629 amends current law relating to unauthorized persons at public or private institutions of higher education in this state and to trespass, damage, or defacement occurring on the grounds of those institutions; amending provisions subject to a criminal penalty and creating offenses.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

and the make and model of a vehicle involved in the accident. The redacted version is available to anyone.
 The bill establishes a \$6 fee for a copy of a written accident report including a redacted accident report.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2684 **Caption:** relating to the creation of a model training curriculum and to the required training for certain school district peace officers and school resource officers

Effective Date: 6-20-2015

Application: Texas Commission on Law Enforcement shall create model training curriculum not later than 12-1-2015;
Texas Commission on Law Enforcement shall make training available not later than 2-1-2016;
School district with more than 30,000 students must adopt training policy not later than 2-1-2016;

Statutes Affected: ED 37.0812
OC 1701.262

Subject: Training Policy: School district peace officers and school resource officers

Summary: Adds ED 37.0812 to require school districts with an enrollment of 30,000 or more students to adopt a policy requiring the school district's peace officers and resource officers to complete a training curriculum approved by the Texas Commission on Law Enforcement, that incorporates learning objectives regarding:

- (1) child and adolescent development and psychology;
- (2) positive behavioral interventions and supports, conflict resolution techniques, and restorative justice techniques;
- (3) de-escalation techniques and techniques for limiting the use of force, including the use of physical, mechanical, and chemical restraints;
- (4) the mental and behavioral health needs of children with disabilities or special needs; and
- (5) mental health crisis intervention; (See OC 1701.262)

Training of at least 16 hours must be completed within 120 days of the officer's commission by or placement in the district, or have completed an advanced training course provided by the National Association of School Resource Officers or an equivalent training course as determined by the Commission;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2706 **Caption:** relating to the value of personal property exempt from seizure by creditors

Effective Date: 9-1-2015

Application: Does not apply to property subject to a voluntary bankruptcy proceeding or to a valid claim of a holder of a final judgment who has, by levy, garnishment, or other legal process, obtained rights superior to those that would otherwise be held by a trustee in bankruptcy if a petition were then pending against the debtor, as of 9-1-2015

Statutes Affected: PP 42.001

Subject: Personal property exemption

Summary: Amends PP 42.001 to provide that personal property is exempt from garnishment, attachment, execution, or other seizure if:
(1) the property is provided for a family and has an aggregate fair market value of not more than \$100,000 [\$60,000], exclusive of the amount of any liens, security interests, or other charges encumbering the property; or
(2) the property is owned by a single adult, who is not a member of a family, and has an aggregate fair market value of not more than \$50,000 [\$30,000], exclusive of the amount of any liens, security interests, or other charges encumbering the property.

Subject:

Summary:

Subject:

Summary:

Comments: <div>HB 2706 amends the Property Code to change the conditions under which certain personal property is exempt from garnishment, attachment, execution, or other seizure by a creditor by increasing from \$60,000 to \$100,000 the maximum aggregate fair market value of such property provided for a family, exclusive of the amount of any liens, security interests, or other charges encumbering the property, and increasing from \$30,000 to \$50,000 the maximum aggregate fair market value of such property owned by a single adult who is not a member of a family, exclusive of the amount of any liens, security interests, or other charges encumbering the property.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2739

Caption: relating to the use of a concealed handgun license as valid proof of personal identification

Effective Date: 9-1-2015

Application:

Statutes Affected: BC 506.001

Subject: Concealed handgun license as valid proof of identification

Summary: Adds BC 506.001 to prohibit a person from denying the holder of a concealed handgun license access to goods, services, or facilities, except for those for which a driver's license is required, because the holder has or presents the handgun license as proof of identification;
Does not apply to the requirement that a handgun license holder carrying a handgun must display both a driver's license and the handgun license, or to the identification required under federal law to access airport premises or pass through security;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties have expressed concern regarding situations in which a concealed handgun license is not accepted as official identification in lieu of a driver's license for access to certain goods, services, and facilities. The parties explain that the eligibility and verification requirements for obtaining a concealed handgun license are much more extensive than those involved in obtaining a driver's license and that the former requires a rigorous background check and proof that the person is at least 21 years of age, not chemically dependent, capable of exercising sound judgment, and has never been convicted of certain offenses. Therefore, the parties contend that a concealed handgun license should be accepted as valid proof of identification, with limited exceptions. HB 2739 seeks to address this concern.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2747

Caption: relating to qualifications to serve as a petit juror

Effective Date: 9-1-2015

Application:

Statutes GV 62.102

Affected:

Subject: General qualifications for jury service

Summary: Amends GV 62.102 to disqualify a person from serving as a petit juror unless the person, among other things, is a citizen of the United States and a resident of Texas and Harris County;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2828

Caption: relating to the authority of a municipality or county to obtain criminal history record information for certain persons, including employees, independent contractors, and volunteers

Effective Date: 9-1-2015

Application:

Statutes GV 411.1295

Affected:

Subject: Access to criminal history record information: employment by county

Summary: Amends GV 411.1295 to allow a county to obtain from DPS criminal history record information that relates to a person who is:

- (1) an applicant for employment by the county;
- (2) an employee of the county;
- (3) an applicant for employment by or an employee of a business or person that contracts with the county;
- (4) a volunteer with the county; or
- (5) an applicant for a volunteer position with the county;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2894 **Caption:** relating to the election of certain county bail bond board members

Effective Date: 9-1-2015

Application: Applies only to a member elected on or after 9-1-2015

Statutes Affected: OC 1704.0535

Subject: Election of certain bail bond board members

Summary: Amends OC 1704.0535 to require a county bail bond board to conduct an annual secret ballot election to elect the board members who serve as:
(i) the representative of the criminal defense attorneys by electing a criminal defense attorney who is practicing in the county; entitling each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county to cast one vote;
(ii) a surety or agent for a corporate surety board, entitling each individual licensed in the county as a bail bond surety or agent for a corporate surety to cast one vote for each license held;
(iii) a justice of the peace, entitling each justice of the peace in the county who is not legally prohibited from voting to cast one vote;

Subject:

Summary:

Subject:

Summary:

Comments: <div>As amended:</div>
<div> </div>
<div>OC Sec. 1704.0535. <div>ELECTION OF CERTAIN BAIL BOND BOARD MEMBERS. </div>
<div>(a) <div>The board shall annually conduct a secret ballot election to elect the members of the board who serve as the representative of licensed bail bond sureties and the representative of the criminal defense attorneys by electing:</div>
<div>(1) <div>a licensed bail bond surety or agent for a corporate surety board member; and</div>
<div>(2) <div>a criminal defense attorney who is practicing in the county.</div>
<div>(b) <div>Each individual licensed in the county as a bail bond surety or agent for a corporate surety is entitled to cast one vote for each license held to elect the board member who is a surety or agent for a corporate surety.</div>
<div>(c) <div>Each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county is entitled to cast one vote to elect the board member who is a criminal defense attorney.</div>
<div>(d) <div>Each elected justice of the peace in the county who is not legally prohibited from voting in an election for the purpose is entitled to cast one vote to elect the board member who is a justice of the peace.</div>
<div> </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 2945

Caption: relating to the use of the juvenile case manager fund

Effective Date: 6-17-2015

Application:

Statutes CP 102.0174

Affected:

Subject: Court costs; juvenile case manager fund

Summary: Amends CP 102.0174 to allow the employing court, if there is money in the fund after use to finance salary, benefits, training, travel, office supplies, and other necessary expenses of a juvenile case manager, to authorize the juvenile case manager to direct the remaining money to be used to implement programs directly related to the duties of the juvenile case manager, including alcohol and substance abuse programs, educational and leadership programs, and other projects designed to prevent or reduce the number of juvenile referrals;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 3160 **Caption:** relating to an exception to the period of filing an application for the grant of letters testamentary or of administration of a decedent's estate

Effective Date: 9-1-2015

Application: Applies only to an application for the grant of letters testamentary or of administration of a decedent's estate filed on or after 9-1-2015

Statutes Affected: ES 301.002

Subject: Period of filing application for letters testamentary or of administration

Summary: Amends ES 301.002 to eliminate the 4 year statute of limitation and allow a home rule municipality, as a creditor of the estate, to apply for letters testamentary or of administration necessary to prevent real property in a decedent's estate from becoming a danger to the health, safety, or welfare of the general public;

Subject:

Summary:

Subject:

Summary:

Comments: <div>If the owner of a property dies without a will and no heir steps forward to maintain the property, it may become abandoned and dilapidated and can quickly become an eyesore or even a danger to the surrounding community. If an estate is never administered, a property can sit vacant and abandoned for years. Municipalities become the caretakers of such abandoned properties and often will file a lien against a property to secure the debt incurred by the city for maintaining them. In these instances the city essentially becomes a creditor of the estate and has standing to file an application for administration of the estate in order to initiate the disposition of the property. Under current law, the application must be filed within four years. A city may not always become aware of the situation within that time frame. So, HB 3160 exempts home-rule municipalities from the four-year limit on filing the application when disposition of the estate is necessary to prevent real property from becoming a danger to the health, safety, or welfare of the general public.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 3225 **Caption:** relating to lane restrictions for certain motor vehicles in highway construction or maintenance work zones

Effective Date: 9-1-2015

Application:

Statutes Affected: TN 545.0653

Subject:

Summary: Adds TN 545.0653 to authorize the executive director of TxDOT or the executive director's designee to restrict a commercial motor vehicle to a specific lane of traffic in a construction or maintenance work zone for a highway that is part of the state highway system if it is determined that the restriction is necessary to improve safety;
Requires TxDOT to erect and maintain official traffic control devices to enforce a lane restriction, and prohibits a lane restriction from being enforced until the appropriate traffic control devices are in place;

Subject:

Summary:

Subject:

Summary:

Comments: <div>The number of accidents involving commercial vehicles in work zones could be reduced if the larger commercial motor vehicles were restricted to using one designated lane in a work zone with at least two lanes available. Removing the conflict of the speed differential between passenger vehicles and large commercial vehicles traveling in the work zones could reduce the number of lane changes and passing maneuvers attempted by passenger vehicles trailing a larger, slower moving commercial motor vehicle in a work zone, thereby reducing the number of accidents.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 3628 **Caption:** relating to the adoption by the Department of Public Safety of rules governing the use of unmanned aircraft in the Capitol Complex; creating a criminal offense

Effective Date: 9-1-2015

Application: Applies to an offense committed on or after 12-1-2015

Statutes Affected: GV 411.062

Subject: Law enforcement and security authority

Summary: Amends GV 411.062 to require DPS to adopt rules to prohibit the use of unmanned aircraft, or authorize limited use of unmanned aircraft in the Capitol Complex;
Provides that rules relating to security of persons and access to and protection of grounds, public buildings, and property of the state within the Capital Complex is a Class C misdemeanor, except that violation of a rule related to unmanned aircraft is a Class B misdemeanor;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 3633 **Caption:** relating to reimbursement for the costs of legal services provided to an indigent defendant in a criminal case

Effective Date: 9-1-2015

Application: Applies to a criminal hearing or proceeding that commences on or after 9-1-2015, regardless of when the defendant committed the underlying offense for which the defendant became subject to the hearing or proceeding

Statutes Affected: CP 26.05

Subject: Compensation of counsel appointed to defend

Summary: Amends CP 26.05 to prohibit a judge from ordering a defendant who has financial resources to offset in part or in whole the costs of the legal services provided to the defendant, to pay an amount that exceeds: (1) the actual costs, including any expenses and costs, paid by the county for the legal services, or (2) if representation was by a public defender, the actual amount, including any expenses and costs, that would have otherwise been paid to an appointed attorney had the county not had a public defendant's office;

Subject:

Summary:

Subject:

Summary:

Comments: <div><u>(b) Except as otherwise provided by law, including the federal Voting Rights Act (42 U.S.C. Section 1973c et seq.), a state agency may not provide documents, publish written materials, or provide website content in any language other than the official language of this state.</u></div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 3710

Caption: relating to a voluntary contribution to the fund for veterans' assistance when applying for a concealed handgun license

Effective Date: 9-1-2015

Application:

Statutes Affected: GV 411.1741

Subject: Voluntary contribution to fund for veterans' assistance

Summary: Adds GV 411.1741 to allow a person applying for an original or renewal license to carry a concealed handgun to make a voluntary contribution in any amount to the fund for veterans' assistance;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 3791 **Caption:** relating to the provision of recordings of certain interactions with a peace officer relating to intoxication offenses

Effective Date: 9-1-2015

Application: Applies to a recording of conduct that occurs on or after 9-1-2015

Statutes Affected: CP 2.139

Subject: Video recordings of arrests for intoxication offenses

Summary: Adds CP 2.139 to entitle a person stopped or arrested for an intoxication offense to receive from law enforcement a copy of any video made by or at the direction of the officer that contains footage of:
(1) the stop;
(2) the arrest;
(3) the conduct of the person stopped during any interaction with the officer, including the field sobriety test;
(4) a procedure in which a specimen of breath or blood is taken;

Subject:

Summary:

Subject:

Summary:

Comments: <div>HB 3791 amends the Code of Criminal Procedure to entitle a person stopped or arrested on suspicion of certain intoxication offenses under the Penal Code to receive a copy from a law enforcement agency of any video made by the arresting officer that contains footage of the stop, arrest, the conduct of the person stopped, and the taking of the person's breath or blood specimen.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 3901 **Caption:** relating to the repossession of an aircraft

Effective Date: 9-1-2015

Application:

Statutes Affected: PP 30.01 et seq

Subject: Writ of assistance for repossession of an aircraft

Summary: Adds PP 30.02 to create a writ of assistance for the repossession of an aircraft that authorizes a peace officer to assist and protect a repossession agent in gaining possession of an aircraft while the agent:
(1) secures the aircraft on site; or
(2) prepares the aircraft for removal from the site by flight or otherwise to another location;
Writ is valid for 30 days, with unlimited extensions granted by a justice court;

"Aircraft" means a self-propelled motor vehicle that can be used to transport a person by flight in the air.
"Repossession" means the recovery of an aircraft that has been sold under a security agreement containing a repossession clause authorizing the lender to recover the aircraft if the borrower defaults under the agreement.
"Repossession agent" means an individual who is authorized to engage in a repossession for a lender;

Subject: Petition for writ of assistance

Summary: Adds PP 30.03 to allow a repossession agent to file a petition in justice court for a writ of assistance for the repossession of an aircraft;
The repossession agent is entitled to the writ if the agent establishes that:
(1) the aircraft is subject to the proposed repossession; and
(2) the repossession agent is authorized to engage in the repossession;
The petition must include a copy of:
(1) the security agreement relating to the aircraft;
(2) the notice of default under the security agreement sent by the lender to the borrower;
(3) the instrument in which a power of attorney for the repossession is granted to the repossession agent by the lender; and
(4) the results of a title search of the Federal Aviation Administration's records for the aircraft;

Subject:

Summary:

Comments: <div>When an aircraft owner consistently fails to meet the owner's contractual payment obligations, a lender may choose to settle the default status of the loan by repossessing the aircraft. Although the repossession process of an aircraft often is a peaceful one, the parties note cases in which aircraft owners have become hostile and cases in which repossession agents, in an attempt to avoid confrontation and to speedily complete the process, go as far as jumping fences and hotwiring aircrafts in order to fly away, sometimes putting not only the agent but the public at risk by short-cutting essential pre-flight safety procedures. In order to provide for the safety of the repossession agent and the public, HB 3901 seeks to amend the applicable law to provide for the safe transfer of these aircraft.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 3996 **Caption:** relating to the donation of juror reimbursements

Effective Date: 9-1-2015

Application: Applies only to donations from jurors appearing in response to a summons issued on or after 9-1-2015

Statutes Affected: GV 61.003

Subject: Donation of reimbursement

Summary: Amends GV 61.003 to include a veterans court program among the entities to which the juror may donate the juror's reimbursement;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: HB 4003 **Caption:** relating to the redaction of personally identifiable information of victims from juvenile court records

Effective Date: 9-1-2015

Application: Applies to information and documents relating to juvenile court cases whether the conduct occurred before, on, or after 9-1-2015

Statutes Affected: 58.004

Subject: Redaction of victim's personally identifiable information

Summary: Adds FA 58.004 to require that a juvenile court redact any personally identifiable information about a victim before disclosing any juvenile court record or file of a child; does not apply to information that is (1) necessary for an agency to provide services to the victim;
(2) necessary for law enforcement purposes; or
(3) shared within the statewide juvenile information and case management systems established under Subchapter E (FA 58.401 et seq);

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0011 **Caption:** relating to the carrying of handguns on the campuses of and certain other locations associated with institutions of higher education; providing a criminal penalty

Effective Date: 8-1-2016

Application: Does not apply to a public junior college before 8-1-2017;

Statutes Affected: GV 411.2013

Subject: Carrying of handguns by license holder on certain campuses

Summary: Adds GV 411.2031 to prohibit institutions of higher education from adopting any regulation prohibiting license holders from carrying handguns on the campus of the institution; Allows the institution to establish regulations concerning the storage of handguns in dormitories or other residential facilities owned or operated by the institution and located on campus; President or other executive officer of the institution must establish regulations regarding carrying concealed handguns by license holders on campus, but may not generally prohibit license holders from carrying concealed handguns on the campus; requires notice with respect to any portion of a premises on which a license holder may not carry; and regulations must be widely distributed and prominently published on the institution's website; Allows a private or independent institution of higher education to establish regulations prohibiting license holder from carrying handguns on the campus, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution;

Subject: Places weapons prohibited

Summary: Amends PE 46.03 to create an exception to the offense of intentionally, knowingly, or recklessly possessing or going with a firearm, illegal knife, club, or other prohibited weapon on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, if the person possesses or goes with a concealed handgun that the person is licensed by the Department of Public Safety to carry and no other prohibited weapon on such premises, grounds, building, or a passenger transportation vehicle of a public, private, or independent institution of higher education;

Amends PE 46.035 to create an offense if a license holder carries a partially or wholly visible handgun and intentionally and knowingly displays the handgun in plain view of another person on the premises of an institution of higher education or private or independent institution of higher education, or on any public or private driveway, street, sidewalk, parking lot, parking garage, of such institutions;

Creates an offense if a license holder carries a handgun on the campus of a private or independent institution of higher education that has established regulations prohibiting the carrying of handguns on campus, or on the grounds or building on which an activity is being conducted, or in a passenger transportation vehicle ;

Creates an offense if a license holder carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education on which the carrying of a concealed handgun is prohibited by regulations, if effective notice was given;
Class A misdemeanor;

Subject:

Summary:

Comments: <div> </div>

<div>"Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.</div>

<div>"Institution of higher education" means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education.</div>

<div>"Private or independent institution of higher education" includes only a private or independent college or university that is:</div>

<div>(A) </div>organized under the Texas Non-Profit Corporation Act;</div>

<div>(B) </div>exempt from taxation under Article VIII, Section 2, of the Texas Constitution and Section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Section 501); and</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

<div>(C) accredited by:</div>

<div>(i) the Commission on Colleges of the Southern Association of Colleges and Schools;</div>

<div>(ii) the Liaison Committee on Medical Education; or</div>

<div>(iii) the American Bar Association.</div>

<div>"Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0097 **Caption:** relating to regulation of the sale, distribution, possession, use, and advertising of e-cigarettes, cigarettes, and tobacco products; amending provisions subject to a criminal penalty

Effective Date: 10-1-2015

Application: Applies only to an offense committed on or after 10-1-2015
Requires comptroller to develop required sign and make it available to the public not later than 9-15-2015

Statutes Affected: HS 161.081 et seq
ED 38.006
PE 48.01

Subject: Sale of cigarettes, e-cigarettes, or tobacco products to persons younger than 18 years of age prohibited; proof of age required

Summary: Amends HS 161.082 to provide that, in addition to cigarettes or tobacco products, a person commits an offense if, with criminal negligence, the person:
(1) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 18 years of age; or
(2) sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to another person who intends to deliver it to someone who is younger than 18 years of age;
Class C misdemeanor

Amends HS 161.083 to prohibit a person from selling, giving, or causing to be sold or given an e-cigarette to someone who is younger than 27 years of age unless the person presents an apparently valid proof of identification;

Amends HS 161.084 to require a person who sells e-cigarettes to post a sign the warning sign required for tobacco products; failure to display the sign is a Class C misdemeanor;

Amends other sections relating to cigarettes and tobacco products to include e-cigarettes;

Subject: Possession, purchase, consumption, or receipt of cigarettes, e-cigarettes, or tobacco products by minors prohibited

Summary: Amends HS 161.252 to provide that, in addition to cigarettes or tobacco products, a person younger than 18 years of age commits an offense if the person:
(1) possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or
(2) falsely represents himself or herself to be 18 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product; Misdemeanor punishable by fine not to exceed \$250;

Amends HS 161.253 to require an e-cigarette and tobacco awareness program on conviction of possession, purchase, consumption, or acceptance of e-cigarettes or tobacco products;

Amends HS 161.255 to allow expunction of convictions related to e-cigarettes;

Amends HS 161.256 to grant jurisdiction to justice and municipal courts over matters in which a court may require an e-cigarette or tobacco awareness program or e-cigarette or tobacco related community service;

Subject: Smoking tobacco

Summary: Amends PE 48.01 to redefine an offense if a person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a public primary or secondary school or an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, intrastate bus, plane, or train which is a public place, except in a designated smoking area or as a participant in an authorized theatrical performance;
Class C misdemeanor;

Comments: <div>"E-cigarette" means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term does not include a prescription medical device unrelated to the cessation of smoking. The term includes:</div>

<div>(A) a device described by this subdivision regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and</div>

<div>(B) a component, part, or accessory for the device, regardless of whether the component, part, or

SUMMARIES -- 84th LEGISLATURE -- 2015

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

accessory is sold separately from the device.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0107

Caption: relating to the designation of campus behavior coordinators to serve at public school campuses and issues to be considered when removing a student from class

Effective Date: 6-20-2015

Application: Applies beginning with the 2015-2016 school year

Statutes ED 37.0012

Affected:

Subject: Designation of campus behavior coordinator

Summary: Adds ED 37.0012 to require that a principal or any other campus administrator selected by the principal at each campus must be designated to serve as the campus behavior coordinator responsible for maintaining student discipline and such other duties as may be established by campus or district policy, including:
(1) a duty imposed on a campus principal or other campus administrator under this subchapter shall be performed by the campus behavior coordinator; and
(2) a power granted to a campus principal or other campus administrator under this subchapter may be exercised by the campus behavior coordinator;

The campus behavior coordinator must promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0108 **Caption:** relating to certain criminal procedures for misdemeanor offenses committed by children

Effective Date: 9-1-2015

Application: Applies to an offense committed on or after 9-1-2015
CP 45.0216 applies to arrest records and files created before, on, or after 9-1-2015

Statutes Affected: CP 45.0216
CP 45.048
ED 37.141
ED 37.143

Subject: Expunction of certain conviction records

Summary: Amends CP 45.0216 to allow records of a person under 17 years of age relating to a complaint to be expunged if the complaint was dismissed under CP 45.051 (deferred disposition) or CP 45.052 (completion of teen court), or other law, or the person was acquitted of the offense;

Subject: Criminal procedure
Definitions

Summary: Amends ED 37.141 to define "child" to mean a person who is a student, and at least 10 years of age and younger than 18 years of age, for purposes of school offenses (offenses committed by a child enrolled in a public school that is a Class C misdemeanor other than traffic, and that is committed on school district property;

Subject: Requisites of complaint

Summary: Amends ED 37.146 to provide that a complaint for a school offense may include a recommendation by a school employee that the child attend a teen court program if it is in the best interest of the child;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0112 **Caption:** relating to the authority of a magistrate to prohibit certain communications in an order for emergency protection; amending provisions subject to a criminal penalty
Effective Date: 5-23-2015

Application:

Statutes CP 17.292

Affected:

Subject: Magistrate's order for emergency protection

Summary: Amends CP 17.292, for good cause, to prohibit the arrested party from communicating in any manner with a person protected under the order or a member of the family or household of a person protected under the order, except through the party's attorney or a person appointed by the court;

Subject:

Summary:

Subject:

Summary:

Comments: <div>As amended:</div>

<div> </div>

<div>Art. 17.292. MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION. (a) At a defendant's appearance before a magistrate after arrest for an offense involving family violence or an offense under Section <u>22.011</u>, <u>22.021</u>, or <u>42.072</u>, Penal Code, the magistrate may issue an order for emergency protection on the magistrate's own motion or on the request of:</div>

<div>(1) the victim of the offense;</div>

<div>(2) the guardian of the victim;</div>

<div>(3) a peace officer; or</div>

<div>(4) the attorney representing the state.</div>

<div>(b) At a defendant's appearance before a magistrate after arrest for an offense involving family violence, the magistrate shall issue an order for emergency protection if the arrest is for an offense that also involves:</div>

<div>(1) serious bodily injury to the victim; or</div>

<div>(2) the use or exhibition of a deadly weapon during the commission of an assault.</div>

<div>(c) The magistrate in the order for emergency protection may prohibit the arrested party from:</div>

<div>(1) committing:</div>

<div>(A) family violence or an assault on the person protected under the order; or</div>

<div>(B) an act in furtherance of an offense under Section <u>42.072</u>, Penal Code;</div>

<div>(2) communicating:</div>

<div>(A) directly with a member of the family or household or with the person protected under the order in a threatening or harassing manner; or</div>

<div>(B) a threat through any person to a member of the family or household or to the person protected under

SUMMARIES -- 84th LEGISLATURE -- 2015

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

the order;

(C) if the magistrate finds good cause, in any manner with a person protected under the order or a member of the family or household of a person protected under the order, except through the party's attorney or a person appointed by the court;

(3) going to or near:

(A) the residence, place of employment, or business of a member of the family or household or of the person protected under the order; or

(B) the residence, child care facility, or school where a child protected under the order resides or attends; or

(4) possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision.

(c-1) In addition to the conditions described by Subsection (c), the magistrate in the order for emergency protection may impose a condition described by Article 17.49(b) in the manner provided by that article, including ordering a defendant's participation in a global positioning monitoring system or allowing participation in the system by an alleged victim or other person protected under the order.

(d) The victim of the offense need not be present when the order for emergency protection is issued.

(e) In the order for emergency protection the magistrate shall specifically describe the prohibited locations and the minimum distances, if any, that the party must maintain, unless the magistrate determines for the safety of the person or persons protected by the order that specific descriptions of the locations should be omitted.

(f) To the extent that a condition imposed by an order for emergency protection issued under this article conflicts with an existing court order granting possession of or access to a child, the condition imposed under this article prevails for the duration of the order for emergency protection.

(f-1) To the extent that a condition imposed by an order issued under this article conflicts with a condition imposed by an order subsequently issued under Chapter 85, Subtitle B, Title 4, Family Code, or under Title 1 or Title 5, Family Code, the condition imposed by the order issued under the Family Code prevails.

(f-2) To the extent that a condition imposed by an order issued under this article conflicts with a condition imposed by an order subsequently issued under Chapter 83, Subtitle B, Title 4, Family Code, the condition imposed by the order issued under this article prevails unless the court issuing the order under Chapter 83, Family Code:

(1) is informed of the existence of the order issued under this article; and

(2) makes a finding in the order issued under Chapter 83, Family Code, that the court is superseding the order issued under this article.

(g) An order for emergency protection issued under this article must contain the following statements printed in bold-face type or in capital letters:

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE OR A STALKING OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS

SUMMARIES -- 84th LEGISLATURE -- 2015

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

ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT.</div>

<div>"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."</div>

<div>(h) The magistrate issuing an order for emergency protection under this article shall send a copy of the order to the chief of police in the municipality where the member of the family or household or individual protected by the order resides, if the person resides in a municipality, or to the sheriff of the county where the person resides, if the person does not reside in a municipality. If the victim of the offense is not present when the order is issued, the magistrate issuing the order shall order an appropriate peace officer to make a good faith effort to notify, within 24 hours, the victim that the order has been issued by calling the victim's residence and place of employment. The clerk of the court shall send a copy of the order to the victim.</div>

<div>(i) If an order for emergency protection issued under this article prohibits a person from going to or near a child care facility or school, the magistrate shall send a copy of the order to the child care facility or school.</div>

<div>(j) An order for emergency protection issued under this article is effective on issuance, and the defendant shall be served a copy of the order by the magistrate or the magistrate's designee in person or electronically. The magistrate shall make a separate record of the service in written or electronic format. An order for emergency protection issued under Subsection (a) or (b)(1) of this article remains in effect up to the 61st day but not less than 31 days after the date of issuance. An order for emergency protection issued under Subsection (b)(2) of this article remains in effect up to the 91st day but not less than 61 days after the date of issuance. After notice to each affected party and a hearing, the issuing court may modify all or part of an order issued under this article if the court finds that:</div>

<div>(1) the order as originally issued is unworkable;</div>

<div>(2) the modification will not place the victim of the offense at greater risk than did the original order; and</div>

<div>(3) the modification will not in any way endanger a person protected under the order.</div>

<div>(k) To ensure that an officer responding to a call is aware of the existence and terms of an order for emergency protection issued under this article, each municipal police department and sheriff shall establish a procedure within the department or office to provide adequate information or access to information for peace officers of the names of persons protected by an order for emergency protection issued under this article and of persons to whom the order is directed. The police department or sheriff may enter an order for emergency protection issued under this article in the department's or office's record of outstanding warrants as notice that the order has been issued and is in effect.</div>

<div>(l) In the order for emergency protection, the magistrate shall suspend a license to carry a concealed handgun issued under Subchapter H, Chapter 411, Government Code, that is held by the defendant.</div>

<div>(m) In this article:</div>

<div>(1) "Family," "family violence," and "household" have the meanings assigned by Chapter 71, Family Code.</div>

<div>(2) "Firearm" has the meaning assigned by Chapter 46, Penal Code.</div>

<div>(n) On motion, notice, and hearing, or on agreement of the parties, an order for emergency protection issued under this article may be transferred to the court assuming jurisdiction over the criminal act giving rise to the issuance of the emergency order for protection. On transfer, the criminal court may modify all or part of an order issued under this subsection in the same manner and under the same standards as the issuing court under Subsection (j).</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0149 **Caption:** relating to alternative methods for satisfying certain public high school graduation requirements, including the use of individual graduation committees

Effective Date: 5-11-2015

Application: Applies to an 11th or 12th grade student who has failed to comply with the end of course assessment instrument performance requirements for not more than two courses

Statutes Affected: ED 28.025
ED 28.0258

Subject: High school diploma awarded on basis of individual graduation committee review

Summary: Adds ED 28.0258 to allow an 11th or 12th grade student who has failed to comply with the end of course assessment instrument performance requirements for not more than two courses to have an individual graduation committee determine whether the student may qualify to graduate;
This subsection expires September 1, 2017;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

- Bill Number:** SB 0158 **Caption:** relating to a body worn camera program for certain law enforcement agencies in this state; creating a criminal offense; authorizing a fee
- Effective Date:** 9-1-2015*
- Application:** A law enforcement agency operating a body worn camera program on 9-1-2015 is not required to adopt or implement a policy or training before 9-1-2016
- Statutes Affected:** OC 1701.651 et seq
- Subject:** Body worn camera policy
- Summary:** Adds OC 1701.655 et seq to require a law enforcement agency that operates a body worn camera program to adopt a policy, consistent with the rules of evidence, for the use of the body worn cameras which should be activated only for a law enforcement purpose, and include provisions for (1) when the cameras should be activated or when recording can be discontinued, considering the need for privacy in certain situations and locations, (2) data retention, at a minimum of 90 days, (3) storage of video and audio, creation of backup copies, and data security, (4) public access to recordings that are public information, (5) officer access to recordings before the officer is required to make a statement about the incident, (6) supervisory or internal review, and (7) handling equipment and malfunctions;
Provides that officers may not be required to keep a body worn camera activated for the officer's entire shift;
- Subject:** Recording interactions with the public
- Summary:** Adds OC 1701.657 to require a peace officer equipped with a body worn camera to act in a manner consistent with policy;
Allows a peace officer to choose not to activate a camera or to discontinue recording for any nonconfrontational encounter with a person, including an interview of a witness or victim;
Requires a peace officer who does not activate a camera in response to a call for assistance must include in the incident report or otherwise note in the case file or record the reason for not activating the camera;
Provides that any justification for failing to activate the camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision;
- Subject:** Release of information recorded by body worn camera
- Summary:** Adds OC 1701.661 to require a member of the public submitting a written request to a law enforcement agency for information recorded by a body worn camera, to provide the date and approximate time of the recording, the specific location where the recording occurred, and the name of one or more persons known to be a subject of the recording; failure to provide all of the information required does not preclude the requestor from making a future request for the same recorded information;
Exempts information recorded by a body worn camera and held by a law enforcement agency from disclosure during normal business hours, except information that is or could be used as evidence in a criminal prosecution, which is subject to that requirement.
Authorizes a law enforcement agency to seek to withhold information, to assert any lawful exceptions to disclosure, or to release information after the agency redacts any information made confidential by law;
Prohibits a law enforcement agency from releasing any portion of a recording made in a private space (a location in which a person has a reasonable expectation of privacy), or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative;
Requires the attorney general to set a fee for a copy of a recording sufficient to cover the cost of reviewing and making the recording, and authorizes a law enforcement agency to provide a copy without charge or at a reduced charge if the agency determines that such a waiver or reduction is in the public interest;
- Comments:** <div>Interested parties note that the use of body worn camera technology by law enforcement has increased dramatically over the last few years. These parties contend that video evidence has reduced the rate of false claims made against law enforcement and predict that the use of body worn cameras by law enforcement in Texas will increase in coming years. SB 158 seeks to create statewide standards on the use of body worn cameras by law enforcement and assist in the procurement and operation of a body worn camera program.

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0193

Caption: relating to the issuance of specialty license plates to honor recipients of certain military medals

Effective Date: 9-1-2015

Application:

Statutes TN 504.315

Affected: (TN 681.008)

Subject: Military specialty license plates for extraordinary service

Summary: Amends TN 504.315 to allow a specialty license place for recipients of: the Solder's Medal, the Navy and Marine Corps Medal, the Coast Guard Medal, and the Airman's Medal;
(Vehicles displaying these plates are exempt from payment of a parking fee collected through a parking meter charged by a governmental authority.)

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0267

Caption: relating to the regulation by a municipality or county of the rental or leasing of housing accommodations

Effective Date: 9-1-2015

Application:

Statutes LG 250.007

Affected:

Subject: Regulation of rental or leasing of housing accommodations

Summary: Adds LG 250.007 to provide that a city or county may not adopt or enforce an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person's lawful source of income to pay rent includes funding from a housing assistance program;
Does not affect an ordinance or regulation that prohibits the refusal to lease or rent a housing accommodation to a military veteran because of the veteran's lawful source of income to pay rent;
Does not affect any city or county authority or decree to create or implement an incentive, contract commitment, density bonus, or other voluntary program to encourage the acceptance of federal housing vouchers;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties have expressed concerns regarding some municipal ordinances that have passed or that were proposed for passage that would require private property owners to participate in the federal housing choice voucher program, commonly referred to as the Section 8 program. The parties contend that local governments should not be able to require private property owners to participate in a federal program and explain that the federal program itself is voluntary and does not mandate participation by private property owners. SB 267 seeks to address these concerns to ensure that private property owners may voluntarily participate in the Section 8 housing program.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0272 **Caption:** relating to making a voluntary contribution to the Special Olympics Texas fund
when registering a motor vehicle or renewing a motor vehicle registration

Effective Date: 1-1-2016

Application:

Statutes TN 502.413

Affected:

Subject: Voluntary contribution to Special Olympics Texas Fund

Summary: Adds TN 502.413 to allow a person to contribute any amount to the Special Olympics Texas fund when registering
or renewing the registration of a motor vehicle;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0273 **Caption:** relating to certain offenses relating to carrying concealed handguns on property owned or leased by a governmental entity; providing a civil penalty

Effective Date: 9-1-2015

Application: Applies only to an offense committed on or after 9-1-2015

Statutes Affected:

Subject: Wrongful exclusion of concealed handgun license holder

Summary: Adds GV 411.209 to prohibit a state agency or a political subdivision of the state from providing notice that a license holder carrying a handgun is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by statutory provisions regarding the unlawful carrying of a handgun by a license holder or regarding the places where weapons are prohibited; Makes a state agency or political subdivision liable for a civil penalty of not less than \$1,000 and not more than \$1,500 for a first violation, and not less than \$10,000 and not more than \$10,500 for the second or subsequent violation, with each day a separate violation; license holder may file a complaint with attorney general and sue to cure the violation;

Subject: Unlawful carrying of handgun by license holder

Summary: Amends PE 46.035 to restrict the conduct constituting the offense of unlawful carrying of a handgun by a license holder at any meeting of a governmental entity to only the room or rooms where a meeting of a governmental entity is held and to condition the conduct on the meeting being an open meeting for which the entity provided the notice required by the state open meetings law;

Subject:

Summary:

Comments: <div>Some governmental entities erroneously post in places where it is legal to carry a concealed handgun certain signs stating that entry on the property with a concealed handgun is forbidden or that remaining on the property with a concealed handgun is forbidden. These parties are concerned that the confusion arising from these types of mistaken postings may result in a concealed handgun license holder being wrongfully penalized for lawful actions. The parties assert that the law should be clarified to eliminate any confusion regarding where it is legal to carry a concealed handgun. SB 273 seeks to address this issue. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0287 **Caption:** relating to the elimination of certain court fees and costs and to the bill of costs provided to a defendant

Effective Date: 6-19-2015

Application: Applies to a cost incurred on or after 6-19-2015

Statutes CP 103.001
Affected: CP 102.101

Subject: Costs payable

Summary: Amends CP 103.001 to provide in a justice or municipal court, a cost is not payable by the defendant until a written bill is (1) produced or ready to be produced containing the items of cost, and (2) signed by the officer who charged the cost or who is entitled to receive payment for the cost;

In a court other than a justice or municipal court, a cost is not payable by the person charged with the cost until a written bill of costs is produced, signed by the officer, and provided to the person charged;

Subject: Additional court costs on conviction in justice court: Code of Criminal Procedure

Summary: Amends CP 102.101 to delete the \$7 court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 mil or more;
(Not charged in Harris County;)

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0292

Caption: relating to a request for a waiver of the waiting period before human remains may be cremated

Effective Date: 5-29-2015

Application:

Statutes HS 716.004

Affected:

Subject: Waiting period for cremation

Summary: Amends HS 716.004 to require a justice of the peace or medical examiner's office to adopt a written policy for requesting a waiver of the 48 hour waiting period from time of death before remains may be cremated; the policy must outline the process of making the request during regular business hours and outside of regular business hours, including weekends and holidays;

Note: CP 49.25 provides that the waiting period for cremation is waived in writing by the county medical examiner or, in counties not having a county medical examiner, a justice of the peace;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0306

Caption: relating to the information included in the annual report of the State Commission on Judicial Conduct

Effective Date: 9-1-2015

Application:

Statutes Affected: GV 33.005

Subject:

Summary:

Amends GV 33.005 to require the Commission's annual report to include the following:

- (1) an explanation of the role of the commission;
- (2) annual statistical information for the preceding fiscal year, including:
 - (A) the number of complaints received by the commission alleging judicial misconduct or disability;
 - (B) the number of complaints dismissed without commission action other than investigation because the evidence did not support the allegation or appearance of judicial misconduct or disability;
 - (C) the number of complaints dismissed without commission action other than investigation because the facts alleged did not constitute judicial misconduct or disability;
 - (D) the number of complaints dismissed without commission action other than investigation because the allegation or appearance of judicial misconduct or disability was determined to be unfounded or frivolous;
 - (E) the number of each type of judicial misconduct or disability that resulted in sanction or censure of a judge; and
 - (F) examples of improper judicial conduct;
- (3) an explanation of the commission's processes; and
- (4) changes the commission considers necessary in its rules or the applicable statutes or constitutional provisions;

Subject:

Summary:

Subject:

Summary:

Comments:

<div>Aside from a sunset review, the State Commission on Judicial Conduct's annual report to the legislature remains the main instrument for the public and the legislature to determine the extent of fairness and efficiency in the commission's disciplinary process. While current law requires the report to include annual statistical information, the parties note that the law lacks sufficient specificity in this content requirement with respect to the matters for which the data are to be provided and assert that specifying the particular matters of interest for which statistical information is provided in this report would enhance the report's usefulness and increase the transparency of the commission's investigative process. To achieve these objectives, SB 306 seeks to require the report to include additional information.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0316 **Caption:** relating to the prioritization of certain available legal defense services when appointing representation for an indigent defendant in a criminal case

Effective Date: 9-1-2015

Application: Applies to a criminal proceeding that commences on or after 9-1-2015

Statutes Affected: CP 26.04

Subject: Procedures for appointing counsel

Summary: Amends CP 26.04 to require that a court, or the court's designee, give priority in appointing the public defender's office to represent an indigent defendant, but allows that the court is not required to appoint the public defender's office if the court has reason to appoint other counsel or if a managed assigned counsel program also exists in the county and an attorney will be appointed under that program;

Subject:

Summary:

Subject:

Summary:

Comments: <div>A court is authorized, but not required, to appoint a public defender to represent an indigent defendant. The parties further note that because the court is not required to do so, some courts are not assigning public defenders to cases that generally warrant such an appointment, thereby undermining the rights of the accused and wasting taxpayer money. SB 316 seeks to protect the rights of the accused and make efficient use of public defender's offices.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0339

Caption: relating to the medical use of low-THC cannabis and the regulation of related organizations and individuals; requiring a dispensing organization to obtain a license to dispense low-THC cannabis and any employee of a dispensing organization to obtain a registration; authorizing fees

Effective Date: 6-1-2015

Application: Not later than 12-1-2015, DPS shall adopt rules to establish compassionate-use registry; Not later than 9-1-2017, DPS must license at least 3 dispensing organizations

Statutes Affected: HS 487.001 et seq
OC 169.001 et seq
HS 481.111

Subject: Texas Compassionate-Use Act

Summary: Adds HS 487.001 et seq to create the Texas Compassionate-Use Act, to authorize a qualified physician to prescribe low-THC cannabis to a patient with intractable epilepsy, a seizure disorder in which the patient's seizures have been treated by two or more appropriately chosen and maximally titrated antiepileptic drugs that have failed to control the seizures; a physician is qualified to prescribe low-THC cannabis to such a patient if the physician is licensed under the Medical Practice Act, dedicates a significant portion of clinical practice to the evaluation and treatment of epilepsy, and is certified by the appropriate certification board in epilepsy, neurophysiology, or neurology or neurology with special qualification in child neurology if the physician is otherwise qualified for the examination for certification in epilepsy;

Requires a qualified physician, before the physician may prescribe or renew a prescription for low-THC cannabis for a patient, to register as the prescriber for that patient in the compassionate-use registry created under the bill and maintained by DPS and requires the registration to indicate the physician's name, the patient's name and date of birth, the dosage prescribed to the patient, the means of administration ordered for the patient, and the total amount of low-THC cannabis required to fill the patient's prescription;

Requires a dispensing organization to obtain a license issued by DPS; sets out eligibility and application requirements for such a license; provides for the issuance, renewal, or denial of a license; and establishes provisions relating to the suspension or revocation of a license;

Requires a dispensing organization, before dispensing low-THC cannabis, to verify that the prescription presented is for a person listed as a patient in the compassionate-use registry, matches the entry in the registry with respect to the total amount of low-THC cannabis required to fill the prescription, and has not previously been filled by a dispensing organization as indicated by an entry in the registry; requires the dispensing organization, after dispensing low-THC cannabis, to record in the registry the form and quantity of low-THC cannabis dispensed and the date and time of dispensation;

Prohibits a municipality, county, or other political subdivision from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis as authorized by the bill's provisions;

Requires DPS to administer the bill's provisions regarding the licensing and registration of dispensing organizations and employees and requires the public safety director of DPS, not later than December 1, 2015, to adopt rules to implement, administer, and enforce those provisions, including rules to establish the compassionate-use registry, requires DPS, not later than September 1, 2017, to license at least three dispensing organizations, provided at least three applicants for a license to operate as a dispensing organization have met the requirements for approval;

Subject: Exemptions

Summary: Amends HS 481.111 to provide that HS 481.120 (delivery of marihuana), HS 481.121 (possession of marihuana), HS 481.122 (delivery of controlled substance or marihuana to child), and 481.125 (possession or delivery of drug paraphernalia) do not apply a person who engages in the acquisition, possession, production, cultivation, delivery, or disposal of a raw material used in or by-product created by the production or cultivation of low-THC cannabis if the person is a patient for whom low-THC cannabis is prescribed and possesses a valid prescription from a dispensing organization, or if the person is performing duties at a dispensing organization;

"Low-THC cannabis" means the plant *Cannabis sativa* L., and any part of that plant or any compound, manufacture, salt, derivative, mixture, preparation, resin, or oil of that plant that contains:

- (A) not more than 0.5 percent by weight of tetrahydrocannabinols; and
- (B) not less than 10 percent by weight of cannabidiol;

Subject:
SB 0339

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0381 **Caption:** relating to tort liability arising from a volunteer's operation of a Parks and Wildlife Department motor-driven vehicle or motor-driven equipment

Effective Date: 9-1-2015

Application: Applies to an act or omission involving the operation of a motor-driven vehicle or equipment occurring on or after 9-1-2015

Statutes Affected: PW 11.0281

Subject: volunteer liability and immunity

Summary: Amends PW 11.0281 to grant immunity from civil liability to a volunteer acting within the course and scope of the volunteer's assignment for the Parks and Wildlife Department for any act or omission of the volunteer resulting from the operation or use of a motor-driven vehicle or motor-driven equipment owned or leased by TPWD; Does not apply to an act or omission that is intentional, willfully negligent, or done with conscious indifference or reckless disregard for the safety of others; "Volunteer" means a person rendering services for or on behalf of TPWD without the expectation of receiving monetary compensation from TPWD other than reimbursement for expenses incurred by the person during the performance of the service and excludes a person performing services as a result of a community service or community supervision sentence or an inmate providing labor under programs of the Texas correctional Industries;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Due to the size of Texas state parks, wildlife management areas, and other properties of the Parks and Wildlife Department (TPWD), using motor-driven vehicles may sometimes be necessary to carry out various tasks more efficiently within such land. Interested parties contend that current law lacks provisions adequately protecting a TPWD volunteer from liability in regard to the operation of a TPWD vehicle during the course of the volunteer's assignment. These parties assert that concerns regarding volunteer liability prevent operation of TPWD vehicles by volunteers and thus prevent full utilization of volunteer services in state parks and other land. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0386

Effective Date: 9-1-2015

Caption: relating to school marshals for public junior colleges, notifying a parent or guardian whether an employee of a public junior college is appointed school marshal, and the confidentiality of information submitted to or collected by the Texas Commission on Law Enforcement in connection with a certification for appointment as school marshal

Application:

Statutes CP 2.127

Affected:

Subject: School marshals

Summary: Amends CP 2.127 to grant authority of a school marshal to make arrests and exercise all authority given peace officers, to those persons appointed by the governing board of a public junior college;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties note that many school districts have adopted a school marshal program and that the junior college community has expressed a growing interest in having access to such a program as an alternative to the expensive measures of creating their own police department or hiring private security. SB 386 seeks to provide for the safety of the junior college community in a way that is economically feasible.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0431

Caption: relating to the deadline for filing a candidate's personal financial statement

Effective Date: 9-1-2015

Application:

Statutes GV 572.207

Affected:

Subject: Filing dates for candidates

Summary: Amends GV 572.027 to require an individual who is a partisan or independent candidate for an office as an elected officer to file the financial statement not later than the later of:
(1) the 60th day after the date of the regular filing deadline for an application for a place on the ballot in the general primary election, or
(2) February 12;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0435

Caption: relating to the powers and duties of a county treasurer

Effective Date: 9-1-2015

Application:

Statutes GV 602.002

Affected:

Subject: Oath made in Texas

Summary: Amends GV 602.002 to allow a county treasurer to administer an oath made in Texas and provide a certificate to that effect;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0449

Caption: relating to the titling, registration, and operation of an autocycle

Effective Date: 5-22-2015

Application:

Statutes TN 501.008

Affected: TN 502.004

TN 521.084

TN 521.085

TN 545.416

TN 547.617

TN 661.0015

Subject: Title for autocycle;
Registration of Autocycle
Class M License

Summary: Amends TN 501.008 to provide that for purposes of issuing title, an autocycle is considered a motorcycle;
Amends TN 502.004 to provide that for purposes of registration, an autocycle is considered a motorcycle;
Amends TN 521.084 to provide that a Class M driver's license authorizes the holder to operate a motorcycle or moped;
Amends TN 521.085 to allow a Class M license holder to operate an autocycle;

"Autocycle" means a motor vehicle other than a tractor, that is:

(1) designed to have when propelled not more than three wheels on the ground;

(2) equipped with a steering wheel;

(3) equipped with seating that does not require the operator to straddle or sit astride the seat; and

(4) manufactured and certified to comply with federal safety requirements for a motorcycle;

Subject: Riding on motorcycle

Summary: Amends TN 545.416 to provide that a passenger on an autocycle may ride only on the permanent and regular seat if designed for 2 persons, or on another seat permanently attached behind or to the side of the autocycle; and to prohibit the operator of an autocycle from carrying a person younger than 5 years of age who is seated in a sidecar;

Subject: Protective headgear for autocycle

Summary: Adds TN 661.0015 to consider an autocycle to be a motorcycle for the purposes of requiring protective headgear for operators and passengers;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0461

Caption: relating to false or misleading packaging, labeling, or advertising of certain
abusable synthetic substances; providing civil penalties; creating a criminal
offense

Effective Date: 9-1-2015

Application:

Statutes HS 484.002

Affected:

Subject: Prohibited acts

Summary: Adds HS 484.002 to create an offense if, in the course of business, a person knowingly produces, distributes, sells, or offers for sale a mislabeled abusable synthetic substance;
Class C misdemeanor;

Adds HS 484.004 to create an affirmative defense that:

(1) the abusable synthetic substance was approved for use, sale, or distribution by the United States Food and Drug Administration or other state or federal regulatory agency with authority to approve the substance's use, sale, or distribution; and

(2) the abusable synthetic substance was lawfully produced, distributed, sold, or offered for sale by the person who is the subject of the criminal or civil action;

the fact that the abusable synthetic substance was in packaging labeled with "Not for Human Consumption," or other wording indicating the substance is not intended to be ingested, is not a defense;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Definitions:</div>

<div>(1) "Abusable synthetic substance" means a substance that:</div>

<div>(A) is not otherwise regulated under this title or under federal law;</div>

<div>(B) is intended to mimic a controlled substance or controlled substance analogue; and</div>

<div>(C) when inhaled, ingested, or otherwise introduced into a person's body:</div>

<div>(i) produces an effect on the central nervous system similar to the effect produced by a controlled substance or controlled substance analogue;</div>

<div>(ii) creates a condition of intoxication, hallucination, or elation similar to a condition produced by a controlled substance or controlled substance analogue; or</div>

<div>(iii) changes, distorts, or disturbs the person's eyesight, thinking process, balance, or coordination in a manner similar to a controlled substance or controlled substance analogue.</div>

<div>(2) "Business" includes trade and commerce and advertising, selling, and buying service or property.</div>

<div>(3) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by law or set by established commercial usage.</div>

<div>(4) "Sell" and "sale" include offer for sale, advertise for sale, expose for sale, keep for the purpose of sale, deliver for or after sale, solicit and offer to buy, and every disposition for value.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0462 **Caption:** relating to authorizing a revocable deed that transfers real property at the transferor's death

Effective Date: 9-1-2015

Application: Applies to a transfer on death deed executed and acknowledged on or after 9-1-2015, by a transferor who dies on or after 9-1-2015

Statutes Affected: ES 114.001 et seq

Subject: Transfer on death deed

Summary: Adds ES 114.051 et seq to allow an individual to transfer the individual's interest in real property to one or more beneficiaries effective at the transferor's death by a transfer on death deed;
A transfer on death deed is revocable regardless of whether the deed or another instrument contains a contrary provision;
To be effective, a transfer on death deed must (1) contain the essential elements and formalities of a recordable deed; (2) state that the transfer of an interest in real property to the designated beneficiary is to occur at the transferor's death; and (3) be recorded before the transferor's death in the deed records in the county clerk's office of the county where the real property is located;
The deed is effective without notice or delivery to the beneficiary, and without consideration;
The deed is revoked by an instrument that (1) is a subsequent transfer on death deed that revokes the preceding transfer on death deed, or an instrument of revocation that expressly revokes the transfer, (2) is acknowledged by the transferor after the acknowledgment of the deed being revoked, and (3) is recorded before the transferor's death in the deed records in the county clerk's office of the county where the deed being revoked is recorded;
A will may not revoke or supersede a transfer on death deed;
A final judgment of divorce operates to revoke the transfer on death deed as to a designated beneficiary who is a former spouse, if notice of the judgment is recorded before the transferor's death;
A transfer on death deed made by more than one transferor, revocation by a transferor does not affect the deed as to the interest of another transferor;
A transfer on death deed made by joint owners with right of survivorship is revoked only if it is revoked by all of the living joint owners;
An inter vivos transfer of the real property is not limited by the transfer;

During a transferor's life, a transfer on death deed does not:

- (1) affect an interest or right of the transferor or any other owner, including:
 - (A) the right to transfer or encumber the real property;
 - (B) homestead rights; and
 - (C) ad valorem tax exemptions;
- (2) affect an interest or right of a transferee of the real property even if the transferee has actual or constructive notice of the deed;
- (3) affect an interest or right of a secured or unsecured creditor or future creditor of the transferor, even if the creditor has actual or constructive notice of the deed;
- (4) affect the transferor's or designated beneficiary's eligibility for any form of public assistance, subject to applicable federal law;
- (5) constitute a transfer triggering a "due on sale" or similar clause;
- (6) invoke statutory real estate notice or disclosure requirements;
- (7) create a legal or equitable interest in favor of the designated beneficiary; or
- (8) subject the real property to claims or process of a creditor of the designated beneficiary;

Subject: Effect of at transferor's death

Summary: Adds ES 114.103 to provide that:

- (1) if the designated beneficiary survives the transferor by 120 hours, the interest in the real property is transferred to the designated beneficiary in accordance with the deed;
- (2) the interest of a designated beneficiary that fails to survive the transferor by 120 hours lapses;
- (3) concurrent interests are transferred to the beneficiaries in equal and undivided shares with no right of survivorship; and
- (4) if the transferor has identified two or more designated beneficiaries to receive concurrent interests in the real property, the share of a designated beneficiary who predeceases the transferor lapses and is subject to and passes as if the transfer on death deed were a devise made in a will;

If a transferor is a joint owner with right of survivorship who is survived by one or more other joint owners, the real property that is the subject of the transfer on death deed belongs to the surviving joint owner or owners; If a transferor is a joint owner with right of survivorship who is the last surviving joint owner, the transfer on death deed

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0473

Caption: relating to defenses and exceptions to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons, firearms, and related items

Effective Date: 9-1-2015

Application: Applies to an offense committed on or after 9-1-2015;

Statutes PE 46.05

Affected:

Subject: Prohibited weapons

Summary: Amends PE 46.05 to create an exception to the offense of intentionally or knowingly possess, manufacture, transport, repair, or sell a prohibited weapon, for items registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or classified as a curio or relic by the USDOJ;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0478

Caption: relating to the promulgation of certain forms for use in landlord-tenant matters

Effective Date: 9-1-2015

Application:

Statutes GV 22.019

Affected:

Subject:

Summary: Adds GV 22.019 to require the Supreme Court of Texas to promulgate forms for use by individuals representing themselves in residential landlord-tenant matters and instructions for the proper use of each form or set of forms; Requires the forms and instructions to be written in plain language that is easy for the general public to understand, to clearly and conspicuously state that the form is not a substitute for the advice of an attorney, to be made readily available to the general public in the manner prescribed by the supreme court, and to be translated into the Spanish language;
Requires the clerk of a court to inform members of the public of the availability of the form and to make the form available free of charge;
Requires a court to accept the form unless the form has been completed in a manner that causes a substantive defect that cannot be cured;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Disputes between landlords and tenants frequently occur on uneven playing fields, which lead many Texans, including elderly persons and children, to endure deplorable living conditions, evictions, or even homelessness. The parties note that unlike defendants in criminal court, tenants face life-altering judgments without the protection of a constitutional right to a lawyer. While a large percentage of landlords have lawyers or sophisticated management companies representing them in court, the parties explain, a majority of tenants have no choice but to represent themselves in an unfamiliar and intimidating court system in which they often do not know their rights. Consequently, these tenants may enter into agreements that they do not understand and cannot fulfill. SB 478 seeks to direct the Supreme Court of Texas to promulgate standardized forms to be used in certain landlord-tenant matters.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0505 **Caption:** relating to painting and marking requirements for certain meteorological evaluation towers; creating an offense

Effective Date: 9-1-2015

Application: Applies to a meteorological evaluation tower erected before, on, or after 9-1-2015;

Statutes Affected: TN 27.071

Subject: Painting and marking requirements for certain meteorological evaluation towers; offense

Summary: Adds TN 21.071 to require that a meteorological evaluation tower that is at least 50' but not more than 200 ' in height above ground level (1) must be painted in equal alternating bands of aviation orange and white, beginning with orange at the top of the tower; (2) must have aviation orange marker balls installed and displayed, and (3) may not be supported by guy wires unless the guy wires have a 7' long safety sleeve at each anchor point;

Creates an offense if a person who owns, operates, or erects a meteorological evaluation tower in violation of these provisions; Class C misdemeanor; Class B misdemeanor if as a result of the commission of the offense, a collision with the tower occurred causing bodily injury or death;

Requires TxDOT to adopt rules on or before 12-31-2015;

Subject:

Summary:

Subject:

Summary:

Comments: <div>"Meteorological evaluation tower" means a structure that:</div>

<div>(1) is self-standing or supported by guy wires and anchors;</div>

<div>(2) is not more than six feet in diameter at the base of the structure; and</div>

<div>(3) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted for the purpose of documenting whether a site has sufficient wind resources for the operation of a wind turbine generator.</div>

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SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0512 **Caption:** relating to the promulgation of certain forms for use in probate matters

Effective Date: 9-1-2015

Application:

Statutes GV 22.020

Affected:

Subject: Promulgation of certain probate forms

Summary: Adds GV 22.020 to require the Supreme Court to promulgate forms for use by individuals representing themselves in certain probate matters, including forms for use in a small estate affidavit proceeding and for use in the probate of a will as a muniment of title, simple will forms tailored based on marital status and age of children, if any, and instructions for the proper use of each form or set of forms; Requires the forms and instructions to be written in plain language that is easy for the general public to understand, to be made readily available to the general public in the manner prescribed by the supreme court, and to be translated into the Spanish language;

Requires the Spanish language translation of such a form either to state that the Spanish language translated form is to be used solely for the purpose of assisting in understanding the form and may not be submitted to the probate court and that the English language version of the form must be submitted to the probate court, or to be incorporated into the English language version of the form in a manner that is understandable to both the probate court and members of the general public.

Requires each form and its instructions to clearly and conspicuously state that the form is not a substitute for the advice of an attorney;

Requires the clerk of a probate court to inform members of the general public of the availability of a form and to make the form available free of charge;

Requires a probate court to accept such a form unless the form has been completed in a manner that causes a substantive defect that cannot be cured;

Subject:

Summary:

Subject:

Summary:

Comments: <div>It is cost-prohibitive for many Texans to hire an attorney to draft or probate a will and point out that legal aid provides assistance to only a small portion of people in need. Many people neglect writing a will and others self-prepare wills lacking essential language to make the will legally effective. Often when a valid will does not exist, property may be given informally to the person that the decedent wanted to have the property, but legal title does not transfer resulting in disputes of co-ownership, and inability to sell the property, use it as a collateral on a loan, or qualify for property tax exemptions. SB 512 seeks to direct the Supreme Court of Texas to develop standardized forms for use in certain probate matters.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0534 **Caption:** relating to the oath of a person admitted to practice law in the State of Texas

Effective Date: 5-15-2015

Application:

Statutes Affected: GV 82.037

Subject: Oath of attorney

Summary: Amends GV 82.037 to include additional duty to conduct oneself with integrity and civility in dealing and communicating with the court and all parties;

Subject:

Summary:

Subject:

Summary:

Comments: <div>As amended:</div>

<div>GV Sec. 82.037. OATH OF ATTORNEY. (a) Each person admitted to practice law shall, before receiving a license, take an oath that the person will:</div>

<div>(1) support the constitutions of the United States and this state;</div>

<div>(2) honestly demean oneself in the practice of law; </div>

<div>(3) discharge the attorney's duty to the attorney's client to the best of the attorney's ability; and</div>

<div>(4) conduct oneself with integrity and civility in dealing and communicating with the court and all parties.</div>

<div>(b) The oath shall be endorsed on the license, subscribed by the person taking the oath, and attested by the officer administering the oath.</div>

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SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0565

Caption: relating to designating the first week of May as Jury Appreciation Week

Effective Date: 6-16-2016

Application:

Statutes GV 622.155

Affected:

Subject: Jury Appreciation Week

Summary: Adds GV 662.155 to designate the first 7 days in May as Jury Appreciation Week in recognition of the outstanding and important contributions made by Texas citizens who serve as jurors;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0569

Caption: relating to the presumption of abandonment of certain tangible personal property held by a county

Effective Date: 9-1-2015

Application:

Statutes PP 72.104

Affected:

Subject: Tangible personal property held by county

Summary: Adds PP 72.104 to create the presumption of abandonment if tangible personal property is found on county land or in a county park, facility, or right-of-way and the property is held by the county for longer than 120 days, the existence and location of the owner is unknown, and according to knowledge and records of the county, a claim to the property has not been asserted or an act of ownership of the property has not been exercised;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0570

Caption: relating to the use of fireworks at certain Texas Department of Transportation rest areas; creating a criminal offense

Effective Date: 9-1-2015

Application:

Statutes TN 203.112

Affected:

Subject: Prohibition or restriction of fireworks at rest area

Summary: Adds TN 203.112 to allow the Texas Transportation Commission to prohibit or restrict the use of fireworks at a state highway rest area in the unincorporated area of the county if (1) commissioners court petitions to adopt an order, and (2) the county pays TxDOT for the costs of designing, constructing, and erecting signs giving notice of the order at the rest area;
Creates an offense if a person knowingly or intentionally violates a prohibition or restriction; Class C misdemeanor

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0584

Caption: relating to the indexing of correction instruments in a county index to real property records

Effective Date: 9-1-2015

Application:

Statutes LG 193.003

Affected:

Subject: Index to real property records

Summary: Amends LG 193.003 to include correction instruments among the real property records that a county clerk is required to maintain and index; requires the index entry for a correction instrument to contain the names of the grantors and grantees;
"Correction instrument" means an instrument correcting an ambiguity or error in a recorded original instrument of conveyance to transfer real property or an interest in real property as described by PP 5.028 or PP 5.029;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0641 **Caption:** relating to debit card or stored value card surcharges; providing a civil penalty

Effective Date: 9-1-2015

Application: Applies only to a sale of goods or services occurring on or after 9-1-2015

Statutes FI 59.401

Affected: BC 604A.001 et seq

Subject: Prohibition of certain surcharges

Summary: Transfers and redesignates FI Chapter 59 as BC Chapter 604A, to prohibit the imposition of a surcharge on a buyer who uses a debit or stored value card instead of cash, check, credit card, or similar means of payment; Defines "surcharge" to mean an increase in the price charged for goods or services imposed on a buyer who pays with a debit or stored value card that is not imposed on a buyer who pays by other means; does not include a discounted price charged for goods or services to a buyer who pays with cash;

Adds BC 604.003 to impose a civil penalty for a knowing violation;

Subject:

Summary:

Subject:

Summary:

Comments: <div>As amended:</div>

<div> </div>

<div>Business and Commerce Code</div>

<div>SUBCHAPTER E. PROHIBITION OF CERTAIN SURCHARGES</div>

<div> </div>

<div>Sec. 604A.001. DEFINITIONS. In this chapter:</div>

<div>(1) "Cardholder" means the person named on the face of a debit or stored value card to whom or for whose benefit the card is issued.</div>

<div>(2) "Debit card" has the meaning assigned by Section 502.001.</div>

<div>(3) "Merchant" means a person in the business of selling or leasing goods or services.</div>

<div>(4) "Stored value card" has the meaning assigned by Section 604.001(1), but does not include the meaning assigned by Section 604.001(2).</div>

<div>(5) "Surcharge" means an increase in the price charged for goods or services imposed on a buyer who pays with a debit or stored value card that is not imposed on a buyer who pays by other means. The term does not include a discounted price charged for goods or services to a buyer who pays with cash.</div>

<div> </div>

<div>Sec. 604A.002 [59.402]. IMPOSITION OF SURCHARGE FOR USE OF DEBIT OR STORED VALUE CARD. (a) In a sale of goods or services, a merchant may not impose a surcharge on a buyer who uses a debit or stored value card instead of cash, a check, credit card, or a similar means of payment.</div>

<div>(b) This section does not apply to a state agency, county, local governmental entity, or other governmental entity that accepts a debit or stored value card for the payment of fees, taxes, or other charges.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

<div> </div>

<div>Sec. 604A.003. <div>CIVIL PENALTY. <div>(a) <div>A person who knowingly violates Section 604A.002 is liable to the state for a civil penalty in an amount not to exceed \$500 for each violation. <div>The attorney general or the prosecuting attorney in the county in which the violation occurs may bring:</div>

<div>(1) <div>a suit to recover the civil penalty imposed under this section; and</div>

<div>(2) <div>an action in the name of the state to restrain or enjoin a person from violating this chapter.</div>

<div>(b) <div>Before bringing the action, the attorney general or prosecuting attorney shall give the person notice of the person's noncompliance and liability for a civil penalty. <div>The notice must:</div>

<div>(1) <div>contain guidance to assist the person in complying with this chapter;</div>

<div>(2) <div>advise the person of the prohibition under Section 604A.002; and</div>

<div>(3) <div>state that the person may be liable for a civil penalty for a subsequent violation of Section 604A.002.</div>

<div>(b-1) <div>If the person complies with Section 604A.002 not later than the 30th day after the date of the notice under Subsection (b), the violation is cured and the person is not liable for the civil penalty. <div>A person who has previously received notice of noncompliance under Subsection (b) is not entitled to notice of or the opportunity to cure a subsequent violation of Section 604A.002.</div>

<div>(c) <div>The attorney general or the prosecuting attorney, as appropriate, is entitled to recover reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both, under this section, including reasonable attorney's fees, court costs, and investigatory costs.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0737 **Caption:** relating to certain protective orders and magistrate's orders for emergency protection

Effective Date: 9-1-2015

Application: Applies to a protective order or magistrate's order of emergency protection issued on or after 9-1-2015

Statutes Affected: CP 17.292

Subject: Magistrate's order for emergency protection

Summary: Amends CP 17.292 to include "trafficking of persons" and "continuous trafficking of persons" among the offense for which a magistrate may issue an order of emergency protection;
Requires the magistrate to send a copy of the order to the chief of police or sheriff as soon as possible but not later than the next business day after the date the order is issued;
Requires the clerk of the court to send a copy of the order to the victim at the victim's last known address as soon as possible but not later than the next business day after the date the order is issued; delay in sending only if information for service or enforcement lacking;
Defines "business day" as a day other than a Saturday, Sunday, or state or national holiday;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0740 **Caption:** relating to the assessment of court costs and fees on conviction of multiple offenses or on conviction of multiple counts of the same offense

Effective Date: 9-1-2015

Application: Applies to a court cost or fee imposed on or after 9-1-2015

Statutes Affected: CP 102.073

Subject: Assessment of court costs and fees in a single criminal action

Summary: Adds CP 102.073 to allow the court to assess each court cost or fee only once against a defendant convicted of two or more offenses or multiple counts of the same offense in a single criminal action;

Does not apply to a single criminal action alleging only the commission of two or more offenses punishable by fine only;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties note that some defendants are often convicted of multiple counts of an offense or offenses in a single criminal action. These parties contend that since criminal court costs are a non-punitive recoupment of the costs of judicial resources expended in connection with the trial of a case, the assessment of court costs on each count is unnecessary to recoup the costs of judicial resources expended in connection with the trial of the case. S.B. 740 seeks to address this issue.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0817

Caption: relating to the issuance of a protective order and the appointment of a managing conservator in certain family law proceedings

Effective Date: 9-1-2015

Application:

Statutes FA 71.004

Affected:

Subject: Family Violence

Summary: Relative to CP 17.152 (Denial of Bail for Violation of Certain Court Orders or Conditions of bond in a Family Violence Case), amends FA 17.004 to redefine "family violence" to mean:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by FA 261.001(1)
- (C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- (G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
- (H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
- (I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
- (J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
- (K) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections;

by a member of a family or household toward a child of the family or household; or

- (3) dating violence, as that term is defined by Section 71.0021;

FA. 71.0021. DATING VIOLENCE. (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim or applicant for a protective order:

(A) with whom the actor has or has had a dating relationship; or

(B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

(b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(1) the length of the relationship;

(2) the nature of the relationship; and

(3) the frequency and type of interaction between the persons involved in the relationship.

(c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b);

Subject:

SB 0817

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

(c) The notice required to be made under Subsection (b) must be made as soon as practicable but not later than the 40th day after the date the conservator of the child begins to reside with the person or the 10th day after the date the marriage occurs, as appropriate. The notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged.

(c-1) The notice required to be made under Subsection (b-1) must be made as soon as practicable but not later than:

(1) the 30th day after the date the conservator establishes residence with the person who is the subject of the final protective order, if the notice is required by Subsection (b-1)(1);

(2) the 90th day after the date the final protective order was issued, if the notice is required by Subsection (b-1)(2); or

(3) the 30th day after the date the final protective order was issued, if the notice is required by Subsection (b-1)(3).

(d) A conservator commits an offense if the conservator fails to provide notice in the manner required by Subsections (b) and (c), or Subsections (b-1) and (c-1), as applicable. An offense under this subsection is a Class C misdemeanor.

SUMMARIES -- 84th LEGISLATURE -- 2015

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

<div>(c) An offense under this section is a Class C misdemeanor.</div>

<div>(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section or the other law.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0862

Caption: relating to voting methods in a property owners' association election or vote

Effective Date: 9-1-2015

Application:

Statutes PP 209.00592

Affected:

Subject: Voting; quorum

Summary: Amends PP 209.00592 to specify that a property owners' association subject to the Texas Residential Property Owners Protection Act is not required to provide an owner with more than one voting method, unless a dedicatory instrument of the association provides otherwise, so long as an owner may vote by absentee ballot or proxy;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0864

Caption: relating to secret ballots in a property owners' association election or vote

Effective Date: 5-29-2015

Application:

Statutes PP 209.0058

Affected:

Subject: Ballots

Summary: Amends PP 209.0058 to allow a property owners' association to adopt rules to allow voting by secret ballot; the measures must ensure that (1) a member cannot cast more votes than eligible to cast, and (2) the association counts every vote cast by a member;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0873 **Caption:** relating to the courts authorized to hear certain matters relating to a capias pro fine

Effective Date: 9-1-2015

Application:

Statutes CP 45.045

Affected: CP 45.046

Subject: Capias pro fine

Summary: Amends CP 45.045 to provide that if the court that issued the capias pro fine is unavailable, the arresting officer may, in lieu of placing the defendant in jail, take the defendant to:
(1) a justice of the peace court or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located in the same county, if the court that issued the capias pro fine was a justice of the peace court; or
(2) a municipal court that is located in the same municipality, if the court that issued the capias pro fine was a municipal court.

Subject: Commitment

Summary: Amends CP 45.046 to provide that for purposes of the indigency hearing, if the court that issued the capias pro fine is unavailable, the following judicial officers may conduct the hearing:
(1) a justice of the peace or county criminal law magistrate with jurisdiction over Class C misdemeanors who is located in the same county as the issuing court, if the issuing court was a justice of the peace court; or
(2) a municipal court judge who is located in the same municipality as the issuing court, if the issuing court was a municipal court;

Subject:

Summary:

Comments: <div>Interested parties explain that a capias pro fine directs a peace officer to bring a defendant before a court for a hearing to determine whether the defendant had the ability to pay the fine for the misdemeanor or felony for which the defendant was convicted but chose not to pay. The parties also note that a capias pro fine authorizes a defendant to be placed in jail if the defendant cannot be brought before the court immediately, such as when the judge of the court is unavailable. These parties assert that this is an inefficient system that may cost a county money instead of producing revenue and may unfairly incarcerate those who have no ability to pay. SB 873 seeks to address this issue by revising certain provisions relating to capias pro fines.</div>

<div> </div>

<div>As amended:</div>

<div> </div>

<div>CP 45.045. CAPIAS PRO FINE. </div>

<div>(a) </div>If the defendant is not in custody when the judgment is rendered or if the defendant fails to satisfy the judgment according to its terms, the court may order a capias pro fine, as defined by Article 43.015, issued for the defendant's arrest. </div>The capias pro fine shall state the amount of the judgment and sentence, and command the appropriate peace officer to bring the defendant before the court immediately or place the defendant in jail until the business day following the date of the defendant's arrest if the defendant cannot be brought before the court immediately.</div>

<div><u>(a-1) </div>If the court that issued the capias pro fine is unavailable, the arresting officer may, in lieu of placing the defendant in jail, take the defendant to:</u></div>

<div><u>(1) </div>a justice of the peace court or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located in the same county, if the court that issued the capias pro fine was a justice of the peace court; or </u></div>

<div>(2) </div>a municipal court that is located in the same municipality, if the court that issued the capias pro fine was a municipal court.</div>

<div>(b) A capias pro fine may not be issued for an individual convicted for an offense committed before the

SUMMARIES -- 84th LEGISLATURE -- 2015

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

individual's 17th birthday unless:

(1) the individual is 17 years of age or older;

(2) the court finds that the issuance of the *capias pro fine* is justified after considering:

(A) the sophistication and maturity of the individual;

(B) the criminal record and history of the individual; and

(C) the reasonable likelihood of bringing about the discharge of the judgment through the use of procedures and services currently available to the court; and

(3) the court has proceeded under Article 45.050 to compel the individual to discharge the judgment.

(c) This article does not limit the authority of a court to order a child taken into custody under Article 45.058 or 45.059.

CP 45.046. COMMITMENT.

(a) When a judgment and sentence have been entered against a defendant and the defendant defaults in the discharge of the judgment, the judge may order the defendant confined in jail until discharged by law if the judge at a hearing makes a written determination that:

(1) the defendant is not indigent and has failed to make a good faith effort to discharge the fine and costs; or

(2) the defendant is indigent and:

(A) has failed to make a good faith effort to discharge the fines and costs under Article 45.049; and

(B) could have discharged the fines and costs under Article 45.049 without experiencing any undue hardship.

(b) A certified copy of the judgment, sentence, and order is sufficient to authorize such confinement.

(c) For purposes of a hearing described by Subsection (a), a defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. For purposes of this subsection, "electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

(d) For purposes of a hearing described by Subsection (a), if the court that issued the *capias pro fine* is unavailable, the following judicial officers may conduct the hearing:

(1) a justice of the peace or county criminal law magistrate with jurisdiction over Class C misdemeanors who is located in the same county as the issuing court, if the issuing court was a justice of the peace court; or

(2) a municipal court judge who is located in the same municipality as the issuing court, if the issuing court was a municipal court.

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0923 **Caption:** relating to the prosecution of the offense of obstruction or retaliation; creating a criminal offense

Effective Date: 9-1-2015

Application: Applies to an offense committed on or after 9-1-2015

Statutes Affected: PE 36.06

Subject: Obstruction or retaliation

Summary: Amends PE 36.06 to create an offense if a person posts on a publicly accessible website the residence address or telephone number of an individual the actor knows is a public servant or member of the public servant's family or household with intent to cause harm or a threat of harm in retaliation for or on account of the service or status of the individual as a public servant;
If the actor receives a written demand not to disclose the address or telephone number for reasons of safety, and either (1) fails to remove the address or telephone number within 48 hours, or (2) reposts the address or telephone number on the same or another website, or makes the information publicly available by some other medium within a period of 4 years after receiving the demand, it is prima facie evidence of intent to cause harm or a threat of harm;
"Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if he has not yet qualified for office or assumed his duties:
(A) an officer, employee, or agent of government;
(B) a juror or grand juror; or
(C) an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy; or
(D) an attorney at law or notary public when participating in the performance of a governmental function; or
(E) a candidate for nomination or election to public office; or
(F) a person who is performing a governmental function under a claim of right although he is not legally qualified to do so.

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0961

Caption: relating to the designation of February 19 as Iwo Jima Day

Effective Date: 9-1-2015

Application:

Statutes GV 662.062

Affected:

Subject: Iwo Jima Day

Summary: Adds GV 662.062 to designate February 19 as Iwo Jima Day, which may be regularly observed through appropriate activities in public schools and other places;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0970

Caption: relating to the failure to handle certain animals in accordance with rules of the Texas Animal Health Commission; amending provisions subject to a criminal penalty

Effective Date: 9-1-2015

Application: Applies only to an offense committed on or after 9-1-2015

Statutes AG 161.041

Affected:

Subject: Disease control

Summary: Amends AG 161.041 to redefine the offense; a person commits an offense if the person knowingly fails to handle, in accordance with rules adopted by the commission, livestock, exotic livestock, domestic fowl, or exotic fowl:
(1) infected with a disease [tuberculosis, anthrax, glanders, infectious abortion, hemorrhagic septicemia, hog cholera, Malta fever, foot-and-mouth disease, rabies among animals other than canines, equine infectious anemia, and other recognized communicable diseases];
(2) exposed, as defined by commission rule, to these diseases if the commission has notified the person that the animal was exposed to the disease; or
(3) subject to a testing requirement due to a risk of exposure, as defined by commission rule, to a specific disease if the commission has not notified the person of the testing requirement,
Class C misdemeanor;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0995

Caption: relating to decedents' estates

Effective Date: 9-1-2015

Application:

Statutes ES 113.004 et seq

Affected:

Subject:

Summary: Makes amendments to various sections of the Estates Code;

Subject:

Summary:

Subject:

Summary:

Comments: <div>As part of its ongoing review of Texas probate, guardianship, and trust law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has proposed several updates to the law relating to decedents' estates. S.B. 995 seeks to incorporate these updates into the law.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 0996

Effective Date: 6-19-2015

Caption: relating to notifying a parent or guardian whether an employee of a school is appointed school marshal and the confidentiality of information submitted to or collected by the Texas Commission on Law Enforcement in connection with a certification for appointment as school marshal

Application:

Statutes ED 37.0811

Affected: OC 1701.260

Subject: School marshal

Summary: Amends ED 37.0811 to require the school district or open enrollment charter school to provide the parent or guardian who inquires in writing, written notice indicating whether any employee of the school is currently appointed a school marshal; the notice may not disclose the identity of a school marshal;

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

Summary: Amends OC 1701.260 to provide that all information related to school marshals is confidential, except as may be disclosed to DPS, the employing school district or open enrollment charter school, or the police chief of the city, in which the school's campus is located, or if not within a city, the sheriff of the county in which the school's campus is located, and the chief administrator of any peace officer if the person is employed at a school district that has commissioned a peace officer;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1073 **Caption:** relating to the requirements for a candidate's application or nomination for a place on the ballot and related procedures.

Effective Date: 9-1-2015

Application: Not later than 12-31-2016, the Secretary of State shall complete the modifications to the website to enable compliance with the changes in the law

Statutes Affected: EL 141.031 et seq

Subject: General requirements for application (for place on the ballot)

Summary: Amends EL 141.031 to require an application for a place on the ballot to include, among other required elements, a public mailing address and any available electronic mail address at which the candidate receives correspondence relating to the candidate's campaign;

Subject: Notice to candidate regarding posting of certain information

Summary: Adds EL 172.0221 to require the party to inform a candidate filing an application for a place on the ballot that the candidate's public mailing address and electronic mail address will be posted by the secretary of state on the secretary's publicly viewable website;

Subject:

Summary:

Comments: <div>Currently, a candidate for public office in Texas must provide the candidate's residence address on the candidate's application for a place on the ballot. Observers note that the address, together with other information provided by the candidate, is posted on a publicly viewable website maintained by the secretary of state. In addition to other concerns, the publication of a candidate's home address has raised significant privacy concerns.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1116

Caption: relating to a notice or document sent by mail or electronic mail by a court, justice, judge, magistrate, or clerk of a judicial court

Effective Date: 9-1-2015

Application:

Statutes Affected: GV 80.001 et seq

Subject:

Delivery of notice or document

Summary:

Adds GV 80.002 to provide that a court, justice, judge, magistrate, or clerk may send any notice or document using mail or electronic mail, and makes this provision applicable to all civil and criminal statutes requiring delivery of a notice or document;

Subject:

Electronic mail address

Summary:

Adds GV 80.003 to provide that for a recipient who is registered with the electronic filing system, the use of the electronic mail address on file with the electronic filing system is required, if the court uses the electronic filing system; for a person who is not registered with the electronic filing system, or if the court does not use the electronic filing system, the electronic mail address provided by the person must be used;

Authorized methods of delivering mail include:
via the electronic filing system;
electronic mail messages;
e-mail; and
secure electronic mail;

Facsimiles, instant messaging, and messages on a social network website, including Facebook and Twitter, telegraphs, telephone messages, text messages, videoconferencing, voice messages, or webcams, are not permitted;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1129

Caption: relating to the transportation of a person with mental illness

Effective Date: 6-17-2015

Application:

Statutes HS 574.045

Affected:

Subject: Transportation of patient

Summary: Amends HS 574.045 to require that a patient restrained in order to protect the health and safety of the patient or a person traveling with the patient, may be restrained only during the apprehension, detention, or transportation of the patient; restraint must permit the patient to sit in an upright position without difficulty unless the patient is being transported by ambulance;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1139

Caption: relating to the operation and administration of and practice in courts in the judicial branch of state government, the composition of certain juvenile boards, and the increase of certain filing fees

Effective Date: 9-1-2015*

Application:

Statutes GV 24.641
Affected: GV 25.1031
CP 38.30
CP 45.045
CP 45.046

Subject: Courts

Summary: Adds GV 24.641 to create the 507th District Court composed of Harris County, effective 1-1-2016;

Amends GV 25.1031 to create the County Criminal Court at Law No. 16 of Harris County, Texas, effective 1-1-2016;

Subject: Telephone interpreter services in criminal proceeding
Interpreter

Summary: Amends CP 38.30 to delete the restriction of a telephone interpreter to the trial of a Class C misdemeanor and to provide that a qualified telephone interpreter may be sworn to interpret for the person in any criminal proceeding before a judge or magistrate if an interpreter is not available to appear in person at the proceeding or if the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or is unfamiliar with the use of slang.

Subject: Capias pro fine

Summary: Amends CP 45.045 to provide that if the court that issued the capias pro fine is unavailable, the arresting officer may take the defendant to one of the following locations in lieu of placing the defendant in jail:
(1) if the court that issued the capias pro fine was a justice of the peace, to a justice of the peace or county criminal law magistrate court with jurisdiction over Class C misdemeanors that is located within the same county;
or
(2) if the court that issued the capias pro fine was a municipal court, to a municipal court judge that is located within the same city;

Amends CP 45.046 to allow the following judicial officers to conduct an indigency hearing:
(1) if the court that issued the capias pro fine was a justice of the peace, a justice of the peace or a county criminal law magistrate with jurisdiction over Class C misdemeanors that is located within the same county as the issuing court; or
(2) if the court that issued the capias pro fine was a municipal court, a municipal court judge that is located within the same city as the issuing municipal court;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

- Bill Number:** SB 1168 Page 1 of 5 **Caption:** relating to the operation of certain property owners' associations, condominium unit owners' associations, and councils of owners
- Effective Date:** 9-1-2015
- Application:** Applies to an election or vote held on or after 9-1-2015;
Applies to an enforcement action taken on or after 9-1-2015;
Applies to a collection action taken on or after 9-1-2015;
applies to an application or petition filed on or after 9-1-2015;
- Statutes Affected:** PP 209.002
PP 209.0041 et seq
- Subject:** Adoption or amendment of certain dedicatory instruments
- Summary:** Amends PP 209.0041 to change the circumstance under which a declaration adopted by a property owners' association may be amended, with certain exceptions and in addition to any governmental approval required by law, from a vote of 67 percent of the total votes allocated to property owners in the association to a vote of 67 percent of those entitled to vote on an amendment of the declaration;
- Subject:** Methods of providing notices to owners
- Summary:** Adds PP 209.0042 to allow a POA to adopt a method to provide notice from the POA to a property owner; allows a POA to use an alternative method of providing notice, only if the property owner has affirmatively opted to allow the method; prohibits POA from requiring a property owner to allow the use of an alternative method in instances for which another method of providing notice is prescribed by law;
- Subject:** Open board meetings
- Summary:** Amends PP 209.0051 to allow board meeting to be held by electronic or telephonic means provided that each board member may hear and be heard by every other board member; Except for executive session, all owners in attendance at the meeting must hear all board members and owners must be allowed to listen using any electronic or telephonic communication method used or expected to be used by a board member to participate; Notice of the meeting must include instructions for owners to access any communication method used by a board member to participate in the meeting;
authorizes the board to take action outside of a meeting, without prior notice to owners, including voting by electronic or telephonic means, if each board member is given a reasonable opportunity to express the board member's opinion to all other board members and to vote;
Includes the following actions among those required to be done in an open meeting with prior notice to owners:
(9) lending or borrowing money;
(10) the adoption or amendment of a dedicatory instrument;
(11) the approval of an annual budget or the approval of an amendment of an annual budget that increases the budget by more than 10 percent;
(12) the sale or purchase of real property;
(13) the filling of a vacancy on the board;
(14) the construction of capital improvements other than the repair, replacement, or enhancement of existing capital improvements; or
(15) the election of an officer;
- Comments:** <div>Recent amendments to statutory provisions regarding property owners' associations have left ambiguities and contradictions in the law. Citing significant operational and technical issues faced by property owners' associations following the implementation of these changes, the parties assert that clarity needs to be provided. The parties are concerned about the lack of clarity regarding the procedure for recounting votes of association elections, notice procedures to property owners, and the expedited foreclosure process and payment plans, among other things.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

- Bill Number:** SB 1168 Page 2 of 5 **Caption:** relating to the operation of certain property owners' associations, condominium unit owners' associations, and councils of owners
- Effective Date:** 9-1-2015
- Application:** Applies to an election or vote held on or after 9-1-2015;
Applies to an enforcement action taken on or after 9-1-2015;
Applies to a collection action taken on or after 9-1-2015;
- Statutes Affected:** PP 209.0041 et seq
- Subject:** Notice of election or association vote
- Summary:** Amends PP 209.0056 to make the written notice to owners not later than the 10th day or earlier than the 60th day before the date of an election applicable only to an election or vote taken at a meeting of the owners;
Requires the POA to give notice of an election or vote not taken at a meeting to all owners of the POA entitled to vote on any matter under consideration not later than the 20th day before the latest date on which a ballot may be submitted to be counted;
- Subject:** Recount of votes
- Summary:** Amends PP 209.0057 to require the POA to estimate the costs for a recount by a person qualified to tabulate votes and send an invoice for the estimated costs to the requesting owner not later than the 20th day after the date the POA receives the owner's demand for the recount;
Owner must pay the invoice in full to the POA on or before the 30th day after the date the invoice is sent to the owner; if invoice is not paid, the owner's demand for a recount is considered withdrawn and a recount is not required;
If estimated costs are lesser or greater than the actual costs, POA must send a final invoice to the owner on or before the 30th business day after date the results of the recount are provided; any amounts not paid by the owner may be added to owner's account as an assessment; any refund shall be paid to the owner at the time the final invoice is sent;
POA must reimburse owner requesting recount for the cost if the recount changes the results of the election;
- Subject:** Ballots
- Summary:** Amends PP 209.0058 to require that a vote cast by a member of a POA must be in writing and signed by the member if the vote is cast:
(1) outside of a meeting;
(2) in an election to fill a position on the board;
(3) on a proposed adoption or amendment of a dedicatory instrument;
(4) on a proposed increase in the amount of a regular assessment or the proposed adoption of a special assessment; or
(5) on the proposed removal of a board member.
(a-1) If a property owners' association elects to use a ballot for a vote on a matter other than a matter described by Subsection (a), the ballot must be:
(1) in writing and signed by the member; or
(2) cast by secret ballot;
- Allows a POA to adopt rules to allow voting by secret ballot that reasonably ensures:
(1) a member cannot cast more votes than the member is eligible to cast in an election or vote;
(2) the association counts each vote cast by a member that the member is eligible to cast; and
(3) in any election for the board, each candidate may name one person to observe the counting of the ballots, provided that this does not entitle any observer to see the name of the person who cast any ballot, and that any disruptive observer may be removed;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1168 Page 3 of 5 **Caption:** relating to the operation of certain property owners' associations, condominium unit owners' associations, and councils of owners

Effective Date: 9-1-2015

Application: Applies to an election or vote held on or after 9-1-2015;
Applies to an enforcement action taken on or after 9-1-2015;
Applies to a collection action taken on or after 9-1-2015;

Statutes Affected: PP 209.0041 et seq

Subject: Board membership

Summary: Amends PP 209.00591 to allow a POA's bylaws to require one or more board members to reside in the subdivision subject to the dedicatory instruments but may not require all board members to reside in the subdivision, except during the development period;

Subject: Voting; quorum

Summary: Amends PP 209.00592 to provide that unless a dedicatory instrument provides otherwise, a POA is not required to provide an owner with more than one voting method but specifies that an owner must be allowed to vote by absentee ballot or proxy;
Provides that for purposes of a statutory provision relating to the counting of an absentee or electronic ballot, a nomination taken from the floor in a board member election is not considered an amendment to the proposal for the election;

Subject: Election of board members

Summary: Amends PP 209.00593 to require a property owners' association composed of more than 100 lots to provide notice to the association members soliciting candidates interested in running for a position on the board at least 10 days before the date the association disseminates absentee ballots or other ballots to members for purposes of voting in a board member election;
Notice must be:
(1) mailed to each owner; or
(2) provided by:
(A) posting the notice in a conspicuous manner reasonably designed to provide notice to association members: (i) in a place located on the association's common property or, with the property owner's consent, on other conspicuously located privately owned property within the subdivision; or (ii) on any Internet website maintained by the association or other Internet media; and
(B) sending the notice by e-mail to each owner who has registered an e-mail address with the association.
POA must include on each absentee ballot or other ballot for a board member election the name of each eligible candidate requesting to be placed on the ballot;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1168 Page 4 of 5 **Caption:** relating to the operation of certain property owners' associations, condominium unit owners' associations, and councils of owners

Effective Date: 9-1-2015

Application: Applies to an election or vote held on or after 9-1-2015;
Applies to an enforcement action taken on or after 9-1-2015;
Applies to a collection action taken on or after 9-1-2015;

Statutes Affected: PP 209.0041 et seq

Subject: Tabulation of and access to ballots

Summary: Amends PP 209.00594 to prohibit a person who tabulates votes or who performs a recount from disclosing to any other person how an individual voted;
Only a person who tabulates votes or performs a recount may have access to the ballots;

Subject: Notice required before enforcement action

Summary: Amends PP 209.006 to expand the notice requirement before a POA can file suit against an owner, among other actions, to include:
(3) the date by which the owner must cure the violation if it is curable and does not pose a threat to health and safety;
(4) sending the notice by verified mail to the owner's last known address;
Prohibits a fine if the owner timely cures the violation;
Lists examples of incurable acts:
(1) shooting fireworks;
(2) an act constituting a threat to health or safety;
(3) a noise violation that is not ongoing;
(4) property damage, including the removal or alteration of landscape; and
(5) holding a garage sale or other event prohibited by a dedicatory instrument.
Lists examples of acts considered curable:
(1) a parking violation;
(2) a maintenance violation;
(3) the failure to construct improvements or modifications in accordance with approved plans and specifications;
and
(4) an ongoing noise violation such as a barking dog;

Subject: Alternative payment schedule for certain assessments

Summary: Amends PP 109.0062 to provide that a POA is not required to make a payment plan available to an owner after the period for cure of a restriction violation that is curable expires;
POA is not required to allow an owner to enter into a payment plan more than once in a 12-month period;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1168 **Page 5 of 5** **Caption:** relating to the operation of certain property owners' associations, condominium unit owners' associations, and councils of owners

Effective Date: 9-1-2015

Application: Applies to an election or vote held on or after 9-1-2015;
Applies to an enforcement action taken on or after 9-1-2015;
Applies to a collection action taken on or after 9-1-2015;

Statutes Affected: PP 209.0041 et seq

Subject: Third party collections

Summary: Amends PP 209.0064 to require written notice to the owner by certified mail of fees of a collection agent before holding the owner liable for such fees; notice must specify each delinquent amount and total payment required to make the account current, the options to avoid turning account over to a collection agent, including payment plan, and a 30 day period for owner to cure delinquency;

Subject: Definitions

Summary: Amends PP 209.002 to include the definition of "verified mail" to mean any method of mailing for which evidence of mailing is provided by the United States Postal Service or a common carrier;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1213 **Caption:** relating to prohibiting the reidentification of certain deidentified information and the release of reidentified information; creating a criminal offense; providing a civil penalty

Effective Date: 9-1-2015

Application: Applies to conduct that occurs on or after 9-1-2015

Statutes Affected: BC 506.001 et seq

Subject: Required notice

Summary: Adds BC 506.002 to require a state agency to provide written notice to a person to whom the agency releases deidentified information that the information is deidentified information; a person who sells covered information or receives compensation for the transfer or disclosure of the information must provide written notice to the person to whom the information is sold or disclosed that the information is deidentified information obtained from a state agency;
Prohibits a person from reidentifying information about an individual; or further providing reidentified information;

Subject: Private cause of action

Summary: Adds BC 506.005 to provide that a person who violates the provisions relating to reidentified information is liable to the individual who is the subject of the covered information for statutory damages in an amount of not less than \$25 or more than \$500 for each violation, not to exceed a total amount of \$150,000.00;

Subject:

Summary:

Comments: <div>Interested parties explain that many state entities collect data from their members, patients, users, and customers in the ordinary course of their duties that may be utilized to analyze consumer habits, health trends, and other statistical information and possibly be sold to private institutions or research companies. In order to maintain an individual's privacy, this data undergoes a process to scrub the data of any information that may be directly tied to an individual. The parties contend that, unfortunately, in many circumstances that process does not adequately protect individuals, as it can be relatively easy to "reidentify" the data and expose individuals' sensitive information. In the interest of protecting citizens' personal information, SB 1213 seeks to address this issue.</div>

<div> </div>

<div>"Covered information" means deidentified information released by a board, commission, department, or other agency of this state, or a hospital that is maintained or operated by the state.</div>

<div>"Deidentified information" means information with respect to which the holder of the information has made a good faith effort to remove all personal identifying information or other information that may be used by itself or in combination with other information to identify the subject of the information. The term includes aggregate statistics, redacted information, information for which random or fictitious alternatives have been substituted for personal identifying information, and information for which personal identifying information has been encrypted and for which the encryption key is maintained by a person otherwise authorized to have access to the information in an identifiable format</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1367 Page 1 of 2 **Caption:** relating to certain obligations of and limitations on landlords

Effective Date: 1-1-2016

Application: Applies to a residential lease agreement entered into on or after 1-1-2016

Statutes PP 24.005

Affected: PP 54.046

PP 92.006

PP 92.056

PP 92.110

Subject: Notice to vacate prior to filing eviction suit

Summary: Amends PP 24.005 to create an alternative procedure to delivery of the notice to vacate by personal delivery to the tenant or any person 16 years of age or older residing at the premises, or personal delivery to the premises and affixing the notice to the inside of the main entry door, or by mail to the premises;
The alternate procedure allows a landlord to deliver the notice to vacate by securely affixing to the outside of the main entry door a sealed envelope that contains the notice and on which is written the tenant's name, address, and the words "IMPORTANT DOCUMENT" or something similar, and not later than 5 pm of the same day, depositing in the mail in the same county as the premises, a copy of the notice to the tenant if:
(1) the premises has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to affix the notice to vacate to the inside of the main entry door;
or
(2) the landlord reasonably believes that harm to any person would result from personal delivery to the tenant or a person residing at the premises or from personal delivery to the premises by affixing the notice to the inside of the main entry door;
Notice to vacate is considered delivered on the date the envelope is affixed to the outside of the door and is

Subject: Residential landlord's lien
Violation by landlord

Summary: Amends PP 54.046 by providing that if a landlord willfully violates the provisions regarding landlord's liens, the tenant is entitled to (1) actual damages, return of any property seized that has not been sold, return of the proceeds of any sale of seized property, and the sum of one month's rent and \$1,000, less any amount for which the tenant is liable, and (2) reasonable attorney's fees;

Subject: Waiver or expansion of duties and remedies

Summary: Amends PP 92.006 to prohibit the waiver in a lease or other written agreement of a tenant's right to a jury trial in an action related to residential tenancies under PP Chapter 92;

Comments: <div>The parties contend that changes need to be made to the law with respect to certain landlord liability, the handling of a tenant's security deposit, and the notification of a tenant of damages and charges on surrender of the premises because tenants are sometimes unaware the landlord is claiming the tenant owes damages until viewing the tenant's credit report. </div>

<div> </div>

<div>As amended:</div>

<div>PP 24.005. <u>NOTICE TO VACATE PRIOR TO FILING EVICTION SUIT.</u></div>

<div>(a) <u>If the occupant is a tenant under a written lease or oral rental agreement, the landlord must give a tenant who defaults or holds over beyond the end of the rental term or renewal period at least three days' written notice to vacate the premises before the landlord files a forcible detainer suit, unless the parties have contracted for a shorter or longer notice period in a written lease or agreement. <u>A landlord who files a forcible detainer suit on grounds that the tenant is holding over beyond the end of the rental term or renewal period must also comply with the tenancy termination requirements of Section <u>91.001</u>.</div>

<div>(b) <u>If the occupant is a tenant at will or by sufferance, the landlord must give the tenant at least three days' written notice to vacate before the landlord files a forcible detainer suit unless the parties have contracted for a shorter or longer notice period in a written lease or agreement. <u>If a building is purchased at a tax foreclosure sale or a trustee's foreclosure sale under a lien superior to the tenant's lease and the tenant timely pays rent and is not otherwise in default under the tenant's lease after foreclosure, the purchaser must give a residential tenant of the building at least 30 days' written notice to vacate if the purchaser chooses not to

SUMMARIES -- 84th LEGISLATURE -- 2015

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

continue the lease. The tenant is considered to timely pay the rent under this subsection if, during the month of the foreclosure sale, the tenant pays the rent for that month to the landlord before receiving any notice that a foreclosure sale is scheduled during the month or pays the rent for that month to the foreclosing lienholder or the purchaser at foreclosure not later than the fifth day after the date of receipt of a written notice of the name and address of the purchaser that requests payment. Before a foreclosure sale, a foreclosing lienholder may give written notice to a tenant stating that a foreclosure notice has been given to the landlord or owner of the property and specifying the date of the foreclosure.</div>

<div>(c) If the occupant is a tenant of a person who acquired possession by forcible entry, the landlord must give the person at least three days' written notice to vacate before the landlord files a forcible detainer suit.</div>

<div>(d) In all situations in which the entry by the occupant was a forcible entry under Section <u>24.001</u>, the person entitled to possession must give the occupant oral or written notice to vacate before the landlord files a forcible entry and detainer suit. The notice to vacate under this subsection may be to vacate immediately or by a specified deadline.</div>

<div>(e) If the lease or applicable law requires the landlord to give a tenant an opportunity to respond to a notice of proposed eviction, a notice to vacate may not be given until the period provided for the tenant to respond to the eviction notice has expired.</div>

<div>(f) <u>Except as provided by Subsection (f-1)</u>, the notice to vacate shall be given in person or by mail at the premises in question. Notice in person may be by personal delivery to the tenant or any person residing at the premises who is 16 years of age or older or personal delivery to the premises and affixing the notice to the inside of the main entry door. Notice by mail may be by regular mail, by registered mail, or by certified mail, return receipt requested, to the premises in question. </div>

<div><u>(f-1) As an alternative to the procedures of Subsection (f), a landlord may deliver the notice to vacate by securely affixing to the outside of the main entry door a sealed envelope that contains the notice and on which is written the tenant's name, address, and in all capital letters, the words "IMPORTANT DOCUMENT" or substantially similar language and, not later than 5 p.m. of the same day, depositing in the mail in the same county in which the premises in question is located a copy of the notice to the tenant if:</u></div>

<div><u>(1) the premises has no mailbox and has a keyless bolting device, alarm system, or dangerous animal that prevents the landlord from entering the premises to affix the notice to vacate to the inside of the main entry door; or</u></div>

<div><u>(2) the landlord reasonably believes that harm to any person would result from personal delivery to the tenant or a person residing at the premises or from personal delivery to the premises by affixing the notice to the inside of the main entry door.</u></div>

<div><u>(f-2) Notice to vacate under Subsection (f-1) is considered delivered on the date the envelope is affixed to the outside of the door and is deposited in the mail, regardless of the date the notice is received.</u></div>

<div> (g) The notice period is calculated from the day on which the notice is delivered.</div>

<div>(h) A notice to vacate shall be considered a demand for possession for purposes of Subsection (b) of Section <u>24.002</u>.</div>

<div>(i) If before the notice to vacate is given as required by this section the landlord has given a written notice or reminder to the tenant that rent is due and unpaid, the landlord may include in the notice to vacate required by this section a demand that the tenant pay the delinquent rent or vacate the premises by the date and time stated in the notice.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1367 Page 2 of 2 **Caption:** relating to certain obligations of and limitations on landlords

Effective Date: 1-1-2016

Application: Applies to a residential lease agreement entered into on or after 1-1-2016

Statutes PP 24.005
Affected: PP 54.046
PP 92.006
PP 92.056
PP 92.110

Subject: Repair or closing of leasehold
Landlord liability and tenant remedies; notice and time for repair

Summary: Amends PP 92.056 to allow the tenant's notice to repair to be given by another form of mail that allows tracking of delivery from the USPS or a private delivery service;

Subject: Security deposits
Cessation of owner's interest

Summary: Amends PP 92.105 to provide that if the owner's interest is terminated, the new owner is liable for the return of security deposits from the date title to the premises is acquired, and the new owner must deliver to the tenant a signed statement acknowledging that the new owner has acquired the property and is responsible for the tenant's security deposit and specifying the exact amount of the deposit;
Provides that the person who no longer owns an interest in the premises is liable for a security deposit received while the person was the owner until the new owner has received the deposit or has assumed the liability for the deposit, unless otherwise specified by the parties in a written contract;

Subject: Security deposits
Lease without security deposit; required notice

Summary: Adds PP 92.110 to provide that if a security deposit was not required by a residential lease and the tenant is liable for damages and charges on surrender of the property, the landlord must notify the tenant in writing of the claim before the date the landlord reports the claim to a consumer reporting agency or debt collector; landlord is not required to notify if tenant has not given a forwarding address;
If landlord fails to provide notice, landlord forfeits the right to collect damages and charges from tenant as the exclusive remedy for the failure to provide notice;

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1436 **Caption:** relating to the setback requirements for a junkyard or an automotive wrecking and salvage yard; amending provisions subject to a criminal penalty

Effective Date: 9-1-2015

Application: Applies to a junkyard or automotive wrecking and salvage yard that begins operating on or after 9-1-2015

Statutes Affected: TN 396.002

Subject: Location of yard

Summary: Amends TN 396.022 to prohibit a junkyard or an automotive wrecking and salvage yard from being located:
(1) within 50 feet of the right-of-way of a public street or state highway, or
(2) within 50 feet of the nearest property line of a residence;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties contend that the limited land use powers granted to Texas counties have allowed numerous automobile wrecking and salvage yards to operate near residential areas and that the current setback requirements intended to provide a buffer between such a business and nearby residences have proven to be inadequate. These parties assert that since this type of regulated business often causes problems, additional safeguards are needed to protect neighboring occupants, residents, and proposed residential structures and their property.</div>

<div>SB 1436 seeks to remedy this situation by establishing these safeguards.</div>

<div> </div>

<div>TN 396.014 PENALTY. (a) A person commits an offense if the person knowingly violates Section 396.021 or 396.022.</div>

<div>(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$500.</div>

<div>(c) Each day a violation continues is a separate offense.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1451 **Caption:** relating to the disputed payment by a credit card or debt card of a vehicle registration fee

Effective Date: 9-1-2015

Application: Applies only to payment submitted to a county assessor-collector on or after 9-1-2015

Statutes Affected: TN 502.1931

Subject: Disputed payment by credit card or debit card

Summary: Adds TN 502.1931 to require a sheriff, constable, or highway patrol officer to locate a person who disputed a credit or debt card payment for a registration fee for a registration year that has not ended and if payment is not made on demand, to seize and remove the license plates and registration insignia and return same to the assessor-collector; the assessor-collector must certify under seal, the name and address of the person who authorized the credit or debt card payment, the license plate number and make of the vehicle, and also include evidence from the credit card or debit card company that it will not make payment on the disputed charge, and all attempts to contact the person and collect payment;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1452

Caption: relating to the power of a commissioners court to authorize ad valorem tax sales of real property to be conducted by means of online auctions

Effective Date: 5-15-2015

Application:

Statutes TX 34.01

Affected:

Subject: Sale of property

Summary: Amends TX 34.01 by adding (a-1) to allow the commissioners court to authorize the officer selling property under a tax warrant or pursuant to foreclosure of a tax lien to conduct a public auction using online bidding and sale; Commissioners may adopt rules which would take effect on the 90th day after publication in the real property records;

Subject:

Summary:

Subject:

Summary:

Comments: <div>As amended</div>

<div>Sec. 106.09. EMPLOYMENT OF MINORS. (a) Except as provided in Subsections (b), (c), (e, and (f), no person may employ a person under 18 years of age to sell, prepare, serve, or otherwise handle liquor, or to assist in doing so.</div>

<div>(b) A holder of a wine only package store permit may employ a person 16 years old or older to work in any capacity.</div>

<div>(c) A holder of a permit or license providing for the on-premises consumption of alcoholic beverages may employ a person under 18 years of age to work in any capacity other than the actual selling, preparing, or serving of alcoholic beverages.</div>

<div>(d) The fact that a person is 18, 19, or 20 years of age is not a ground for refusal of an original or renewal permit or license issued under Chapter 35, 36, or 73, provided that such a person to whom a permit or license is issued may carry out the activities authorized by those chapters only while in the actual course and scope of the person's employment.</div>

<div>(e) The holder of a permit or license providing for the on-premises consumption of alcoholic beverages who also holds a food and beverage certificate may employ a person under 18 years of age to work as a cashier for transactions involving the sale of alcoholic beverages if the alcoholic beverages are served by a person 18 years of age or older.</div>

<div>(f) The holder of a permit or license providing for the on-premises consumption of alcoholic beverages that derives less than 50 percent of its gross receipts for the premises from the sale or service of alcoholic beverages may employ a person under 18 years of age to work as a cashier for transactions involving the sale of alcoholic beverages if the alcoholic beverages are served by a person 18 years of age or older.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1494 **Caption:** relating to the educational needs of homeless students

Effective Date: 6-19-2015

Application: Applies beginning with the 2015-2016 school year

Statutes Affected: ED 25.007

Subject: Transition assistance for students who are homeless or in substitute care

Summary: Amends ED 25.007 to define "homeless" to mean:
"homeless children and youths"—
(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302 (a)(1) of this title); and
(B) includes—
(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302 (a)(2) (C) [1] of this title);
(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii);
See 42 U.S.Code 11434a

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1517 **Caption:** relating to the appointment of counsel to represent indigent defendants in criminal cases

Effective Date: 9-1-2015

Application: Applies to a person who is arrested on or after 9-1-2015

Statutes Affected: CP 15.17
CP 15.18

Subject: Duties of arresting officer and magistrate

Summary: Amends CP 15.17 to require the magistrate in each case in which a person arrested is taken before for statutory warnings or because of arrest for out-of-county offense under CP 15.18, to make a record of (1) informing the person of the person's right to request appointment of counsel, (2) asking the person whether the person wants to request appointment of counsel, and (3) whether the person requested appointment of counsel;

Subject: Arrest for out-of county offense

Summary: Amends CP 15.18 to require the magistrate to inform the person arrested on an out-of-county warrant of the procedures for requesting appointment of counsel and provide reasonable assistance in completing the necessary forms; if appointment of counsel is requested, the magistrate must, within 24 hours after the request, transmit the request forms to a court or court's designee authorized to appoint counsel under CP 26.04 in the county issuing the warrant;

Subject:

Summary:

Comments: <div>SB 1517 amends CP 1.051 and CP 26.04 to require a court or the courts' designee in the county that issued the warrant, to appoint counsel (i) by the end of the 3rd working day after the date on which the court receives the defendant's request for appointment of counsel if the defendant is arrested in a county with a population of less than 250,000, or (ii) by the end of the 1st working day after the date on which the court receives defendant's request for appointment of counsel in a county with a population of 250,000 or more, regardless of whether the defendant is present within the county issuing the warrant and even if adversarial judicial proceedings have not yet been initiated against the defendant in that county;</div>

<div>If the defendant has not been transferred or released to the county issuing the warrant before the 11th day after arrest and if counsel has not otherwise been appointed, a court or court's designee in the arresting county must immediately appoint counsel to represent the defendant in a bail proceeding, or a habeas corpus proceeding, regardless of whether adversarial judicial proceedings have been initiated against the defendant in the arresting county;</div>

<div>Allows the arresting county to seek reimbursement from the county issuing the warrant.</div>

<div> </div>

<div>As amended:</div>

<div>CP 15.18. <u>ARREST FOR OUT-OF-COUNTY OFFENSE.</u> </div>

<div>(a) <u>A person arrested under a warrant issued in a county other than the one in which the person is arrested shall be taken before a magistrate of the county where the arrest takes place or, to provide more expeditiously to the arrested person the warnings described by Article <u>15.17</u>, before a magistrate in any other county of this state, including the county where the warrant was issued. <u>The magistrate shall:</u></div>

<div>(1) <u>take bail, if allowed by law, and, if without jurisdiction, immediately transmit the bond taken to the court having jurisdiction of the offense; or</u></div>

<div>(2) <u>in the case of a person arrested under warrant for an offense punishable by fine only, accept a written plea of guilty or nolo contendere, set a fine, determine costs, accept payment of the fine and costs, give credit for time served, determine indigency, or, on satisfaction of the judgment, discharge the defendant, as the case may indicate.</u></div>

<div><u>(a-1) <u>If the arrested person is taken before a magistrate of a county other than the county that issued the warrant, the magistrate shall inform the person arrested of the procedures for requesting appointment

SUMMARIES -- 84th LEGISLATURE -- 2015

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

of counsel and ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the same time. If the person requests the appointment of counsel, the magistrate shall, without unnecessary delay but not later than 24 hours after the person requested the appointment of counsel, transmit, or cause to be transmitted, the necessary request forms to a court or the courts' designee authorized under Article 26.04 to appoint counsel in the county issuing the warrant.</u></div>

<div> (b) Before the 11th business day after the date a magistrate accepts a written plea of guilty or nolo contendere in a case under Subsection (a)(2), the magistrate shall, if without jurisdiction, transmit to the court having jurisdiction of the offense:</div>

<div>(1) the written plea;</div>

<div>(2) any orders entered in the case; and</div>

<div>(3) any fine or costs collected in the case.</div>

<div>(c) The arrested person may be taken before a magistrate by means of an electronic broadcast system as provided by and subject to the requirements of Article <u>15.17</u>.</div>

<div>(d) This article does not apply to an arrest made pursuant to a capias pro fine issued under Chapter 43 or Article <u>45.045</u>.</div>

<div> </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1522

Caption: relating to designating the fourth Saturday in July as National Day of the Cowboy

Effective Date: 5-22-2015

Application:

Statutes Affected: GV 662.061

Subject: National day of the Cowboy

Summary: Adds GV 662.061 to designate the 4th Saturday in July of each year as National Day of the Cowboy in recognition of the historic, cultural, and social contributions of the cowboy;
Requires appropriate ceremonies and activities;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1756

Caption: Relating to the issuance of driver's licenses and personal identification certificates and the classification and operation of certain vehicles; authorizing a fee.

Effective Date: 9-1-2015

Application:

Statutes TN 521.001
Affected: TN 521.008
TN 545.4165

Subject: Definition of Motorcycle

Summary: Definition of Motorcycle in Transportation Code 521.001 expanded to include enclosed three-wheeled passenger vehicles that are less than 900 lbs. and capable of reaching speeds over 40 mph. If less than 900 lbs. and a max speed less than 40 mph, the presence of an active tilt control system is sufficient to qualify as a motorcycle;

Allows DPS to define "motorcycle" for various statutory purposes;

"Motorcycle" includes an enclosed three-wheeled passenger vehicle that:

- (A) is designed to operate with three wheels in contact with the ground;
- (B) has a single, completely enclosed, occupant compartment; and
- (C) at a minimum, is equipped with:
 - (i) seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, 49 C.F.R. Section 571.207;
 - (ii) a steering wheel used to maneuver the vehicle;
 - (iii) a propulsion unit located in front of or behind the enclosed occupant compartment;
 - (iv) a seat belt for each vehicle occupant certified by the manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, 49 C.F.R. Section 571.209;
 - (v) a windshield and one or more windshield wipers certified by the manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, 49 C.F.R. Section 571.205, and Federal Motor Vehicle Safety Standard No. 104, 49 C.F.R. Section 571.104;
 - (vi) a vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, 49 C.F.R. Section 571.216, if:
 - (a) the unladen weight of the vehicle is more than 900 pounds; or
 - (b) the unladen weight of the vehicle is not more than 900 pounds and the vehicle has a maximum speed capability of more than 40 miles per hour; and
 - (vii) an active tilt control system if the unladen weight of the vehicle is not more than 900 pounds and the vehicle has a maximum speed capability of 40 miles per hour or less;

Subject: Operation of Motorcycles on Highways

Summary: Adds TN 545.4165 to prohibit a person from operating a motorcycle that has a max speed less than 40 mph on a public highway for which the posted speed limit is greater than 45 miles per hour, except across an intersection with a public highway that has a posted speed limit of more than 45 miles per hour;

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1756

Caption: relating to the issuance of driver's licenses and personal identification certificates and the classification and operation of certain vehicles; authorizing a fee

Effective Date: 6-19-2015

Application:

Statutes TN 545.4165

Affected:

Subject: Definitions

Summary: Amends 521.001 to redefine "motorcycle"

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1820

Caption: relating to the exemption of certain vehicles from towing regulations

Effective Date: 5-23-2015

Application:

Statutes OC 2308.002

Affected:

Subject: Definitions

Summary: Amends OC 2308.002 to exclude from the definition of tow truck:
(G) a truck-trailer combination that is owned or operated by a dealer licensed under Chapter 2301 and used to transport new vehicles during the normal course of a documented transaction in which the dealer is a party and ownership or the right of possession of the transported vehicle is conveyed or transferred; or
(H) a car hauler that is used solely to transport, other than in a consent or nonconsent tow, motor vehicles as cargo in the course of a prearranged shipping transaction or for use in mining, drilling, or construction operations;

Subject:

Summary:

Subject:

Summary:

Comments: <div>Interested parties contend that the Texas Towing and Booting Act is unclear on whether a truck-trailer combination owned or operated by a licensed automobile dealer transporting a new car to a purchaser is considered a tow truck and whether a car hauler that transports motor vehicles as cargo in certain prearranged shipping transactions or for use in mining, drilling, or construction operations is considered a tow truck. Texas Department of Licensing and Regulation (TDLR) does not interpret these vehicles as being tow trucks but some law enforcement officials have cited operators of these types of vehicles for failing to register the vehicles with TDLR as tow trucks. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1876 **Caption:** relating to the appointment of attorneys ad litem, guardians ad litem, mediators, and guardians in certain counties

Effective Date: 9-1-2015

Application: Applies to the appointment of an attorney ad litem, guardian ad litem, mediator, or guardian made on or after 9-1-2015

Statutes Affected: GV 37.001 et seq

Subject: Lists of attorneys ad litem, guardians ad litem, mediators, and guardians

Summary: Adds GV 37.003 to require each court in this state to establish and maintain, among other lists, a list of all attorneys who are qualified to serve as an attorney ad litem, and who are registered with the court to serve as a mediator; requires a local administrative judge to maintain the lists;

Subject: Appointment of attorneys ad litem, guardians ad litem, mediators, and guardians; maintenance of lists

Summary: Adds GV 37.004 to require a court using a rotation system to appoint the person whose name appears first on the applicable list;
A court using a rotation system for a mediator because the parties cannot agree on a mediator, must appoint the person whose name appears first on the mediator list, unless otherwise agreed, or for good cause because of complexity, skill, subject matter, or geography;

Appointment requirements do not apply to a mediation conducted by an alternative dispute resolution system established under CV Chapter 152 (Harris County Dispute Resolution Center);

Subject:

Summary:

Comments: <div>See SB 1369</div>

<div> </div>

<div>Interested parties contend that state law relating to the use of rotating lists for court appointments of attorneys ad litem, guardians ad litem, guardians, and mediators does not include a statewide requirement to use a rotating list and that there are some judges who do not follow a systematic appointment system. These interested parties are concerned that the current situation has led to favoritism, cronyism, and nepotism in court appointments. SB 1876 seeks to address this concern.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1902 **Caption:** relating to the eligibility of criminal defendants for an order of nondisclosure of criminal history record information; authorizing a fee

Effective Date: 9-1-2015

Application: Applies only to the issuance of an order of nondisclosure for an offense committed on or after 9-1-2015; To the extent of any conflict, SB 1902 prevails over another act of the 84th legislature relating to nonsubstantive additions to and corrections in enacted codes

Statutes Affected: GV 411.071 et seq

Subject: Subchapter E-1. Order of nondisclosure of criminal history record information

Summary: Adds GV 411.071 to reorganize the provisions of GV 411.081 into Subchapter E-1;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1918 **Caption:** relating to the use of certain lighting equipment on motorcycles

Effective Date: 9-1-2015

Application:

Statutes Affected: TN 547.306

Subject: LED ground effect lighting equipment on motorcycle

Summary: Adds TN 547.306 to allow a person to operate a motorcycle equipped with LED ground effect lighting that emits a non-flashing amber or white light;
"LED ground effect lighting equipment" means light emitting diode (LED) technology that is attached to the underbody of a motorcycle for the purpose of illuminating the body of the motorcycle or the ground below the motorcycle;

Subject:

Summary:

Subject:

Summary:

Comments: <div>According to recent national statistics, a significant proportion of motorcycle fatalities occur at night when it is dark and motorists must rely on vehicular lighting to see other vehicles. According to recent national statistics, a significant proportion of motorcycle fatalities occur at night when it is dark and motorists must rely on vehicular lighting to see other vehicles. </div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1934 **Caption:** relating to requirements for the issuance of a driver's license or personal identification certificate and to a study on digital identification and proof of licensure

Effective Date: 9-1-2015

Application: Applies to a driver's license or personal identification certificate for which an application is submitted on or after 9-1-2015

Statutes Affected: TN 521.183

Subject: Surrender of Driver's license or personal identification certificate

Summary: Adds TN 521.183 to provide that a person is not entitled to receive a driver's license until the person surrenders to DPS each Texas personal identification certificate in the person's possession;
Provides that a person is not entitled to receive a personal identification certificate until the person surrenders to DPS each Texas driver's license in the person's possession;

Subject: Application for original license

Summary: Amends TN 521.042 to provide that DPS must require an applicant for an original driver's license to provide the applicant's social security number or proof that the applicant is not eligible for a social security number;

Subject:

Summary:

Comments: <div>Interested parties note that because the driver's license is the most prevalent source of identification in the United States, it is important to ensure that a driver's license and a similar source of identification, a state-issued identification card, are issued to the rightful person and not to a person whose intent is to perpetuate fraud or identity theft. Furthermore, those parties contend that the law governing the issuance of identification cards is not as stringent as the law governing the issuance of a driver's license. SB1934 seeks to remedy this situation by aligning the requirements for the issuance of an identification card with those of a driver's license.</div>

<div>SB 1934 amends the Transportation Code to expand the applicability of statutory provisions limiting the use and disclosure of a driver's license applicant's social security number information to include such information with respect to an applicant for a personal identification certificate and to expand the entities to which such social security number information may be disclosed to include an agency of another state responsible for issuing driver's licenses or identification documents. The bill requires the Department of Public Safety (DPS) to require an applicant for an original driver's license to provide the applicant's social security number or proof that the applicant is not eligible for a social security number.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1978 **Caption:** relating to a voluntary contribution to help feed hungry Texans when a person applies for a hunting license

Effective Date: 6-19-2015

Application: Not later than 9-15-2015, the Parks and Wildlife Commission shall designate a nonprofit organization to receive donations

Statutes Affected: PW 42.011

Subject: Voluntary contribution to help feed hungry Texans

Summary: Adds PW 42.011 to allow a person to contribute \$1 or more to a nonprofit organization designated by the PW Commission to administer a statewide program that provides hunters with a way to donate legally harvested deer to local food assistance providers; program must include meat processors who, for a nominal fee, process and package the venison and contact the food assistance providers;

Subject:

Summary:

Subject:

Summary:

Comments:

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 1987 **Caption:** relating to the issuance of specialty license plates for persons who are deaf or hard of hearing and to deaf or hard of hearing driver training for peace officers; authorizing a fee

Effective Date:

Application: Require Texas Commission on Law Enforcement to establish the deaf or hard of hearing driver training program by 3-1-2016

Statutes Affected: TN 504.204

Subject: Persons who are deaf or hard of hearing

Summary: Adds TN 504.204 to create specialty license plates for a vehicle regularly operated by persons who are deaf or hard of hearing, including an emblem; and requires peace officers to complete training on procedures for interacting with drivers who are deaf or hard of hearing;

Subject:

Summary:

Subject:

Summary:

Comments: <div>When a police officer pulls over a vehicle for a traffic violation, the officer typically approaches the vehicle from the rear using lights and sirens. There is concern that this approach may not adequately alert drivers who are deaf or hard of hearing to an officer's orders or instructions. This may lead the officer to believe that the driver is being obstinate or adversarial when there is simply just a communication barrier. Interested parties note that current mechanisms in place to help an officer identify a driver who is deaf or hard of hearing, such as a driver identification visor card and restriction codes placed on a driver's license, require the officer to communicate directly with the driver before becoming aware of the fact that the driver is deaf or hard of hearing. SB 1987 seeks to remedy this situation.</div>

SUMMARIES -- 84th LEGISLATURE -- 2015

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

Bill Number: SB 2065 **Caption:** relating to the rights of certain religious organizations and individuals relating to a marriage that violates a sincerely held religious belief

Effective Date: 6-11-2015

Application:

Statutes Affected: FA 2.601 et seq

Subject: Rights of certain religious organizations

Summary: Adds FA 2.601 to allow a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister to decline to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief;

Subject: Discrimination against religious organization prohibited

Summary: Adds FA 2.602 to provide that a refusal to provide services, accommodations, facilities, goods, or privileges to solemnize marriage in violation of a sincerely held religious belief is not the basis for a civil or criminal cause of action or any other action by this state or a political subdivision to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from any protected organization or individual;

Subject:

Summary:

Comments: