

**JUST WHEN YOU THOUGHT
YOU KNEW EVERYTHING...**

**NEW RULES/UPDATES TO
KNOW**



Deana Williamson, Clerk

AGENDA

88th Legislature Updates

TRAP Reminders

Commonly Asked Questions

Q & A

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**Court of Criminal
Appeals Judges**

SUPREME COURT OF LOUISIANA

In an effort to benefit from each others' experiences and efforts, please take a minute and answer the following questionnaire. Please attach your name and Court when returning. The results will be compiled and distributed to members. Please return to Dan Haggerty, Supreme Court of Louisiana, 301 Loyola Ave., New Orleans, LA 70112, no later than February 1, 1985.

AUTOMATION QUESTIONNAIRE

YES NO

- A. 1. Does your Court use a computer?
2. If no, has there been any interest in or expressed need for a computer?
3. If no, can you see any area in your court operation where a computer would be of value?
4. If yes, please identify specific areas, and your idea of how the computer would be of value.
- B. If your court presently is using a computer, please identify:
1. Multi terminal/printer with C.P.U. & disk storage (Central Processing Unit)
2. P/Cs or stand alone D/P-W/P units networked together
3. P/Cs or stand along D/P-W-P units
- C. If your computer system has multi terminal printer, disk storage and C.P.U., is your system considered an "On Line System"?
- D. Please identify types of Application
1. Index:
- A. By Name
- B. By Docket Number
- C. By Intermediate Appellate Ct. Docket No.
- D. By District Court Docket
- E. By City Court Docket
- F. Other - Please Identify -
2. Attorney Rolls:
- A. Status
- B. Disciplinary Action
- C. Admission Date
- D. Elected Office - Judiciary Etc.
3. Lower Court Tracking (Ct. of Original Jurisdiction)
4. Intermediate Court of Appeals Tracking

5. Clerk's Office intake process
6. Conference Calendar
7. Oral Argument Calendar
8. Brief Tracking
9. Record Tracking
10. Fees, accounting info.
11. Clerk's Office output process
12. Other - Please identify



WHAT WOULD THIS DO TO YOUR "ON-LINE" COMPUTER INFORMATION SYSTEM?

88TH LEGISLATURE UPDATES

SB 1045: EFFECTIVE 9/1/23

Creates the Fifteenth Court of Appeals District composed of all counties in the state, consisting of a chief justice and four justices. Grants exclusive intermediate appellate jurisdiction over certain matters brought by or against the State or a board, commission, department, office, or other agency in the executive branch (including certain university or higher education institutions), or by or against an office or employee of the State or a board, commission, department, office or other agency in the executive branch arising out of that officer's or employee's official conduct; matters in which a party to the proceeding files a petition, motion, or other pleading challenging the constitutionality or validity of a State statute or rule and the attorney general is a party to the case; and any other matter as provided by law. Outlines various court operational matters. Transfers authority for judicial review of proceedings related to a final order, rule, decision, or other final action of the board of the Texas Department of Motor Vehicles from the Third Court of Appeals District to the Fifteenth Court of Appeals District, along with judicial review of rules of competition developed by the Public Utility Commission of Texas. Gives the Texas Supreme Court exclusive and original jurisdiction over a challenge to the constitutionality of the bill or any part of the bill. See Gov't Code §§ 22.201(a), 22.2151, 22.2152, 22.216, 22.220 (a), 22.221(b), 22.229(a), 73.001, 659.012(a), 2001.038(f), 2001.176(c), 2301.751(a); Util. Code 39.01(e); Code Crim. Proc. arts 4.01, 4.03, 44.25, 31.001.

HB 616: EFFECTIVE 9/1/23

Requires district clerks to complete at least one hour of the 20 hours of initial instruction and of continuing education courses on the proper impaneling of petit and grand juries. See Gov't Code § 51.605(e).

HB 767: EFFECTIVE 9/1/23

Provides for the entry into the Texas Crime Information Center of information relating to condition of bond on a defendant in cases involving stalking and establishes the duties of magistrates, sheriffs, court clerks, and the Department of Public Safety related to the entry of that information. See Code Crim. Proc. art. 17.50 (b)(f)

HB 841: EFFECTIVE 9/1/23

Requires the Texas Judicial Council to collect case-level data from state judges and other court officials. Requires the Judicial Council to adopt rules on case-level data collection. See Gov't Code § 71.035.

HB 1195: EFFECTIVE 6/9/23

Authorizes, regardless of a county's population size, county and district clerks who allow for electronic filing or recording of documents or other instruments to require a photo identification when a person presents a document or other instrument for filing or recording, including a document or instrument related to real property, or requests or obtains an officio service or other public service provided by the clerk. See Loc. Gov't Code §§ 191.010(b), 191.011.

HB 1989: EFFECTIVE 9/1/23

Prohibits a district clerk from charging a criminal justice agency a fee for a copy of any document on file or of record in the clerk's office relating to an individual's criminal history, if the document is requested for a criminal justice purpose, including the purpose of determining an individual's eligibility to purchase a firearm, and regardless of whether the document is certified. See Gov't Code § 51.318(e), (f).

HB 2015: EFFECTIVE 9/1/23

Raises the age at which a person qualifies for a permanent jury service exemption from age 70 to age 75. See Gov't Code §§ 62.106, 62.107, 62.108.

HB 2251: EFFECTIVE 9/1/23

Requires clerks of the court, county judges, justices of the peace, sheriffs, constables, and marshals who have been provided a computerized case and financial management system by their counties to use them to maintain a record of each fee or cost charged in criminal actions or proceedings. Requires the officer to print a hard copy of the record and present it to the defendant to fulfill a statutory requirement for charging the defendant the fees and costs. See Code Crim. Proc. art. 103.009.

HB 2800: EFFECTIVE 9/1/23

Requires meetings of county election boards to be held in person and open to the public. Requires county clerks to post notice of each meeting on the county's Internet website no later than 48 hours before the meeting, if the county maintains a website. See Elec. Code §51.002.

HB 3603: EFFECTIVE 12/1/23

Requires the Texas Department of Criminal Justice (TDCJ) to transmit restitution payments collected from a releasee to the clerk of the court that ordered the restitution. Makes clerk responsible for remitting the payment to the victim. See Gov't Code § 508.322(c), (d), (e), (f).

HB 3474: EFFECTIVE 12/1/23

ARTICLE 18. DELIVERY OF DOCUMENTS

CHAPTER 80. DELIVERY OF NOTICE, ORDERS, AND DOCUMENTS

Sec. 80.002. (b) In addition to any other delivery method required or authorized by law or supreme court rule, a statutory county court, district court, or appellate court shall deliver through the electronic filing system established under Section 72.031 to all parties in each case in which the use of the electronic filing system is required or authorized all court orders the court enters for the case.

HB 4123: EFFECTIVE 6/13/23

Updates various statutes related to criminal background check requirements relating to access to and use of information. Requires clerk of the county having venue for guardianship appointment proceedings to obtain criminal history record information that is maintained by DPS or the FBI identification division relating to any person proposed to serve as a guardian under Title 3, Estates Code. Creates exception to information gathering by clerk.

HB 4250: EFFECTIVE 9/1/23

Authorizes a clerk of the court to withhold from the excess proceeds from the tax sale of property an amount necessary to pay the cost of postage to send notice to the former owner of the property of the existence and amount of excess proceeds and of the right to claim them. See Tax Code § 34.03.

HB 4520: EFFECTIVE 9/1/23

Requires that a court clerk provide written notice to the State Board of Educator Certification (Board) or the chief administrative office of a private school if an educator is convicted or placed on deferred adjudication community service for the offense of obscenity. Requires the Board to revoke and provide the basis for revocation to a school district or open-enrollment charter school, if an educator is convicted or placed on deferred adjudication community supervision for the offense of obscenity. Adds obscenity as a qualifying felony to make certain employees and annuitants ineligible for retirement annuity. See Code Crim. Proc. art. 42.018; Educ. Code § 21.058; Gov't Code § 824.009.

SB 380: EFFECTIVE 5/23/23

Provides that a party to a proceeding in a court who files a statement of inability to afford payment of court costs is not required to provide an interpreter at the party's expense or pay certain associated costs unless the statement has been contested and the court has ordered the party to pay costs. Requires each county auditor or other designated individual, in consultation with the district and county clerks, to submit to the Office of Court Administration (OCA), in a manner prescribed by OCA, information on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil and criminal proceedings. Specifies what information must be included in the submission. Requires OCA to submit to the legislature, no later than December 1 of each year, a report that aggregates by county the information submitted for the preceding year. Requires OCA to publish the report on its website. See Gov't Code § 57.002(g), (h).

SB 599: EFFECTIVE 9/1/23

Adds a district or county clerk to the list of individuals who could establish handgun proficiency by obtaining a sworn statement from an instructor approved by the Texas Commission on Law Enforcement that indicated that the person demonstrated proficiency in the use of handguns and includes a district or county clerk among those to whom the Department of Public Safety (DPS) is required to issue a handgun license if the person met the requirements of an active judicial officer. Waives any fee required for the issuance of such a license to a district or county clerk. Provides that prohibitions for unlawful carrying of weapons and places where certain weapons are prohibited would not apply to a district or county clerk who was carrying a handgun that the clerk was licensed to carry. See Gov't Code §§ 411.1882(a), 411.201, 411.201(h), 46.15(a).

SB 728: EFFECTIVE 9/1/23

Requires court clerks to report the following information to the Department of Public Safety (DPS), which maintains the responsibility of reporting to the National Instant Criminal Background Check System (NICS): juveniles aged 16 or older found unfit to proceed, found not responsible, receiving court-ordered mental health services, or admitted to a residential care facility due to intellectual disability or mental illness in a delinquency proceeding. Enables DPS to audit the records contained in NICS and request the reporting court to complete a request for additional information, if a record is determined to be incomplete or invalid. See Gov't Code §§ 411.052(a), 411.0521, 411.0521(a); Fam. Code 58.007(a).

SB 1612: EFFECTIVE 1/1/24, EXCEPT
SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, AND 27(A) TAKE EFFECT SEPTEMBER 1, 2023.

Amends and repeals various sections of the Estates Code, Family Code, Government Code, Local Government Code, and Code of Criminal Procedure relating to standardization of court administration procedures, costs, and certain filing fees.

SB 1730: EFFECTIVE 9/1/23

Authorizes district clerks to sell and to distribute money orders for passport application payments. See Gov't Code § 51.3031.

Information gathered from [The Texas Judiciary
Legislative Update](#) published by the Office of Court
Administration. Please see publication for more
information.

HB 3774: EFFECTIVE 9/1/21

(87TH LEGISLATURE)

- **Extended the deadline by which the state's attorney must answer an application for a writ of habeas corpus to 30 days**
- **The trial court still has 20 days to enter ODI**

TEXAS RULES OF APPELLATE PROCEDURE REMINDERS

PAPER COPIES

The Court of Criminal Appeals no longer requires paper copies for writ records filed electronically, including those filed pursuant to Article 11.071. Records pertaining to death penalty direct appeal cases will be required to be sent in paper form. This includes direct appeals, DNA appeals, etc

ELECTRONIC RECORDS

Electronic Records must be prepared in accordance with Texas Rules of Appellate Procedure Appendix C.

- File each computer file in text-searchable Portable Document Format (PDF)**
- Create electronic bookmarks to mark the first page of each document in the clerk's record**

WRITS OF HABEAS CORPUS

- **TRAP 73.4(a)** - The district clerk of the county of conviction shall accept and file all Code of Criminal Procedure article 11.07 applications.
- **TRAP 73.4(b)(2)** - When any pleadings, objections, motions, affidavits, exhibits, proposed or entered findings of fact and conclusions of law, or other orders are filed or made a part of the record, the district clerk shall immediately send a copy to all parties in the case. A party has ten days from the date he receives the trial court's findings of fact and conclusions of law to file objections, but the trial court may, nevertheless, order the district clerk to transmit the record to the Court of Criminal Appeals before the expiration of the ten days. Upon transmission of the record, the district clerk shall immediately notify all parties in the case.

ORDERS DESIGNATING ISSUES

- **TRAP 73.4(b)(1)** - If the convicting court enters an order designating issues, the clerk shall immediately transmit to the Court of Criminal Appeals a copy of that order and proof of the date the district attorney received the habeas application.
- **TRAP 73.4(b)(5)** - On the 181st day from the date of receipt of the application by the State of a postconviction application for writ of habeas corpus under Article 11.07, the district clerk shall forward the writ record to this Court unless the district court has received an extension of time from the Court of Criminal Appeals pursuant to Rule 73.5.

WRIT SUMMARY SHEET

- The signature on the Writ Summary Sheet does not replace the Clerk's Certification at the end of the record.
- Do not edit the summary sheet or remove the signature.

APPENDIX F
IN THE COURT OF CRIMINAL APPEALS OF TEXAS
CLERK'S SUMMARY SHEET FOR
POSTCONVICTION APPLICATIONS FOR WRIT OF HABEAS CORPUS
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLES 11.07 AND 11.071

Application for Writ of Habeas Corpus

Ex Parte _____ from _____ County
(Name of Applicant) _____ Court

TRIAL COURT WRIT NO. _____

APPLICANT'S NAME (As reflected in judgment): _____

OFFENSE (As reflected in judgment): _____

CAUSE NO. (As reflected in judgment): _____

PLEA: _____ GUILTY _____ NOT GUILTY

SENTENCE: _____ DATE: _____
(Terms of years reflected in judgment)

TRIAL DATE: _____

TRIAL JUDGE'S NAME (Judge presiding at trial): _____

APPEAL NO. (If applicable): _____

CITATION TO OPINION (If applicable): _____ S.W.3d _____

HEARING HELD: _____ YES _____ NO
(Pertaining to the application for writ of habeas corpus)

FINDINGS & CONCLUSIONS ENTERED BY HABEAS JUDGE: _____ YES _____ NO
(Pertaining to the application for writ of habeas corpus)

RECOMMENDATION: _____ GRANT _____ DENY _____ DISMISS _____ NONE
(Habeas judge's recommendation regarding application for writ of habeas corpus)

HABEAS JUDGE'S NAME: _____
(Judge presiding over habeas corpus proceeding)

NAME OF HABEAS COUNSEL IF APPLICANT IS REPRESENTED: _____

I certify that all applicable requirements of Texas Rule of Appellate Procedure 73.4 have been complied with in this habeas proceeding, including the requirement to serve on all the parties in the case any objections, motions, affidavits, exhibits, proposed findings of fact and conclusions of law, findings of fact and conclusions of law, and any other orders entered or pleadings filed in the habeas case.

Signature of District Clerk or Clerk's Representative

Date Signed



"I don't fully understand how it works, but as long as I don't touch anything it takes care of itself."

COMMONLY ASKED QUESTIONS

WHAT DO I DO IF THE APPLICANT LISTS TWO CASE NUMBERS ON THE WRIT APPLICATION?

The rule states “*You must make a separate application on a separate form for each case number from which you seek relief. Even if the judgments were entered in the same court on the same day, you must complete a separate application form for each case number. If a case number has multiple counts, include all the counts on one application form.*” You can submit the application as filed. However, if you are so inclined, you can make a copy and prepare it as two separate applications.

**DO I FORWARD ARTICLE 11.072, 11.08,
11.09 WRITS TO CCA?**

No. The trial court has jurisdiction over these writs.

HOW DO I DO A DEATH PENALTY DIRECT APPEAL?

A death penalty direct appeal follows the same rules and timelines as a regular direct appeal.

Please send the following documents as soon as possible:

- The judgment**
- The motion for new trial, if one is filed**
- The appointment of counsel on direct appeal**
- The appointment of counsel on 11.071 habeas**

**THE ATTORNEY/APPLICANT REQUESTED
THE WRIT TO BE DISMISSED. DO I STILL
SEND IT?**

Yes.

**THE CCA ISSUED AN ABUSE ORDER. DO I
STILL SEND IT?**

Yes.

**THIS IS HIS 5TH WRIT. DO I STILL HAVE TO
SEND THE INDICTMENT, JUDGMENT,
ETC.?**

Yes.

**See [District Clerk Electronic Filing Memo](#) on
CCA Website.**

**THE WRIT IS NOT ON THE FORM. DO I
STILL SEND IT?**

Yes.

**THE TRIAL COURT
GRANTED/DENIED/DISMISSED THE
WRIT. DO I HAVE TO SEND IT TO YOU?**

**Yes. Only CCA has final jurisdiction on Article 11.07
writs of habeas corpus.**

THE STATE FILED AN ANSWER BEFORE MY TIMELINE IS UP. DO I HAVE TO SEND IT EARLY?

If the State files early, you still have to wait on the trial court to answer. If the trial court files a response early, then you can file early but must file by 51st day.

**WE RECEIVED THIS WRIT BUT THEN
MISPLACED IT/WE FAILED TO SERVE THE
DISTRICT ATTY. WHAT DO I DO?**

**You must still serve the District Attorney. The
timelines starts from the date they acknowledge
receipt.**

**IF THE APPLICANT IS PRO SE, DO I STILL
HAVE TO SEND THEM COPIES OF
STATE/TRIAL COURT ANSWER?**

Yes.

**THE APPLICANT FILED ANOTHER
DOCUMENT IN A WRIT, DO I NEED TO
SEND IT?**

Yes.

**THE APPLICANT FILED ANOTHER WRIT
BUT HIS OTHER ONE IS STILL PENDING,
DO I NEED TO SEND IT?**

Yes.

WHEN IN DOUBT...

CALL AND ASK

ANY QUESTIONS?



"Lately nothing pleases the court."



THANK YOU

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www.txcourts.gov/cca