

THE BRIEF



Information for Texas Municipalities about Texas Municipal Courts (July 2019)

After the 86th Legislature: Some Laws Don't Wait for September 1st and are Already in Effect

While most laws in Texas do not go into effect until September 1st, a law may go into effect earlier if it meets certain requirements. Of the roughly 125 bills TMCEC is analyzing in preparation for the 2019 TMCEC Legislative Update, 25 have already gone into effect. Here is a select sampling.

EXPANSION OF COMPASSIONATE USE ACT – H.B. 3703 expands the list of illnesses that a physician may prescribe low-THC cannabis products for treatment. The bill allows physicians to prescribe products containing less than .5 percent THC concentration for patients with intractable epilepsy, a seizure disorder, multiple sclerosis, spasticity, amyotrophic lateral sclerosis, autism, terminal cancer, or incurable neurodegenerative disease.

HEMP LEGALIZATION – H.B. 1325 legalizes hemp products, including CBD oil, and creates extensive regulations for hemp manufacturers. The hemp products must contain less than .3 percent concentration of THC on a dry weight basis and must be adequately labeled, and must be transported according to regulation.

“WALKING QUORUMS” – S.B. 1640 creates a clear “walking quorum” prohibition in the Texas Open Meetings Act (TOMA) to address the Court of Criminal Appeals determination that the original statute was too vague. It replaces the offense of “conspiring to circumvent [TOMA] by meeting in numbers less than a quorum,” with a prohibition on a series of communications that, when added together, equate to a quorum, but occur outside of an open meeting.

INDECENT ASSAULT – S.B. 194 adds Section 22.012 to the Penal Code, creating the offense of indecent assault. An actor commits the offense if, without consent and with the intent to arouse or gratify the sexual desire of any person, the actor: (1) touches the anus, breast, or genitals of another person; (2) touches another person with the anus, breast, or the genitals of another person; (3) exposes or attempts to expose another person’s genitals, pubic area, anus, buttocks, or female areola; or (4) causes another person to contact the blood, seminal fluid, saliva, urine, or feces of another person. Indecent assault is a Class A misdemeanor and may be grounds for the issuance of a protective order.

“ROBOT” DELIVERIES – S.B. 969 fills the gap in Texas law relating to mobile carrying devices and personal delivery devices by amending Section 502.001 of the Transportation Code and adding Chapter 552A. The bill provides regulations requiring these devices to yield the right-of-way to all traffic and pedestrians, not to unreasonably interfere with traffic or pedestrians, and display proper lighting if operated at nighttime. Further, it prescribes a 10-mile-per-hour speed limit for these devices in pedestrian areas, and a 20-mile-per-hour speed limit for the sides of roadways.

COURTS DURING NATURAL DISASTERS – S.B. 40 accounts for possible interruptions that natural disasters can have on the judicial system. It extends the maximum duration of Supreme Court orders modifying or suspending court procedures during an emergency up to 90 days and allows the chief justice to renew an emergency order without seeking a full vote of the court.

MUNICIPAL CONTROL OF COYOTES – H.B. 4544 authorizes municipalities with a population density of more than 2,500 people per square mile to capture, relocate, or euthanize coyotes within the municipality or the municipality's extraterritorial jurisdiction.

PRIVACY FOR PET ADOPTION – H.B. 2828 amends Chapter 552 of the Government Code to make a person's identifying information confidential and excepted from state public information law when adopting an animal from a shelter. This confidentiality protects the adopter from unwanted contact by someone attempting to reclaim a pet or harass the new owner.

COURT CLERK IMMUNITY FOR DISCLOSED INFORMATION – In light of the digitalization of court records, H.B. 685 addresses the risk of suits against court clerks and counties for wrongfully disclosing information. It limits the liability for the wrongful release of court documents from databases approved by the Texas Supreme Court for court document storage, and provides that clerks performing their duties in good faith are not liable for the release of confidential information from such a database. It also establishes that a court clerk is not liable for the release of a sealed or confidential document in the clerk's custody unless the clerk acted intentionally, or with malice, reckless disregard, or gross negligence in release of the document.

CYBERSECURITY TRAINING – H.B. 3834 adds Sections 2054.5091 and 2054.5092 to the Government Code, which provide that state employees who complete at least 25 percent of their duties on a computer, and local government employees and elected officials with access to a local government computer system or database, must complete a certified cybersecurity training program once a year. The Department of Information Resources must certify at least five cybersecurity training programs for state and local government employees.

RED LIGHT CAMERAS – H.B. 1631 prohibits municipalities from implementing and operating a red light camera system. However, the bill allows municipalities to continue operating existing red light camera systems for the duration specified in any pre-existing vendor contract if the contract does not allow for termination of the contract upon adverse legislation. The bill also prohibits the DMV or county assessor-collector to refuse to register a motor vehicle solely because of unpaid red light camera tickets.

HISTORIC LANDMARKS – H.B. 2496 adds Section 211.0165 to the Local Government Code, which requires a supermajority vote of a municipality's governing body and certain commissions when designating property as a historical landmark without an owner's consent. Property owned by a religious organization can only be designated as a historical landmark if the organization consents to the designation. The bill also requires a municipality to provide a statement that describes the impact that a historic designation may have on the owner's property.

While these bills carry importance because they are immediately effective, the majority of changes affecting Texas cities and municipal courts go into effect September 1st. Make sure to read the September issue of *The Brief* featuring a legislative recap of the big issues and road ahead for the municipal court in your city.

The Brief is a periodic briefing for Texas mayors, city council members, and other local officials highlighting issues and increasing awareness and understanding of municipal courts in the Lone Star State. *The Brief* is part of TMCEC's public information and education campaign, *Councils, Courts, and Cities (C3)*. To receive additional information, including future issues of *The Brief*, send an e-mail to tmcec@tmcec.com with C3 in the subject line. For more information about TMCEC, visit: www.tmcec.com. Follow C3 on Twitter @C3ofTexas.