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HOUSE RESEARCH ORGANIZATION

daily floor report

Monday, May 19, 2025
89th Legislature, Number 68
The House convenes at 10 a.m.

Three bills are on the Major State Calendar, two resolutions are on the Constitutional Amendments Calendar, and 27 bills are on the General State Calendar for second reading today. The list of bill analyses included in today's *Daily Floor Report* begins on the following page.

Gary VanDeaver
Chairman
89(R) - 68

HOUSE RESEARCH ORGANIZATION

Daily Floor Report
Monday, May 19, 2025
89th Legislature, Number 68

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SUBJECT: Establishing general qualifications for certain judicial officials

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Smithee, Wu, Cook, J. Jones, Little, Louderback, Money, Moody, Virdell

0 nays

2 absent — Bowers, Rodríguez Ramos

SENATE VOTE: On final passage (April 9) — 30 – 0

WITNESSES: For — (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Andy Kahan, Crime Stoppers Houston; M Paige Williams, Dallas Criminal District Attorney John Creuzot; James Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Carlos Ortiz, San Antonio Police Officers Association; Bo Stallman, Sheriffs' Association of Texas; John Wilkerson, Texas Municipal Police Association (TMPA))

Against — (*Registered, but did not testify*: Kathy Mitchell, Equity Action)

BACKGROUND: Current law sets out provisions for magistrates and other judicial officers in various counties. Some have suggested that legislation should establish uniform statewide qualifications and other requirements for the appointment, training, and removal of certain masters, magistrates, associate judges, and other judicial officers.

DIGEST: To be eligible for appointment as a master, magistrate, referee, associate judge, or hearing officer, SB 664 would require that a person:

- was a resident of the state and the county in which the person was appointed;

- was licensed to practice law in the state and in good standing with the State Bar of Texas for at least five years, with certain exceptions;
- had not been defeated for reelection to a judicial office in the election immediately preceding the person's appointment;
- was not removed from office by impeachment or other legal procedure; and
- did not resign from office after receiving notice of formal proceedings instituted by the State Commission on Judicial Conduct (SCJC).

A master, magistrate, referee, associate judge, or hearing officer could be licensed to practice law in the state and in good standing with the State Bar for at least two years to be eligible for:

- criminal law magistrate appointments in Webb, Burnet, and Brazoria Counties;
- magistrate authorizations, appointments, and eliminations in Comal, Guadalupe, and Kerr Counties; and
- criminal law magistrate court appointments and oversight in Denton County.

Training and removal. The bill would require an appointed master, magistrate, referee, associate judge, or hearing officer whose duties included setting, adjusting, or revoking bail bonds to comply with certain statutory training requirements on duties regarding bail in addition to other required training under the bill.

The bill would authorize the removal of an appointed official according to constitutional provisions for the removal of county officers that allow removal for incompetency, official misconduct, habitual drunkenness, and other causes defined by law.

Duties of local administrative judges. Under the bill, local administrative judges would have to ensure that appointees served a county within the jurisdiction of the local administrative judge's court and complied with relevant requirements and provisions governing the duties

of arresting officers and magistrates. SB 664 would require a local administrative judge to report associated violations to:

- the appointee's county commissioners court;
- the presiding judge of the administrative judicial regional for the court served by the judge;
- the Office of Court Administration (OCA) of the Texas Judicial System; and
- SCJC, if the local administrative judge determined the referring court was culpable in the violation.

SB 664 also would require a local administrative judge, whose duties included those of arresting officers and magistrates, to supervise the performance of each appointed master, magistrate, referee, associate judge, or hearing officer who served in any of the courts over which the judge presided.

Revisions to appointments in certain counties. The bill would amend and repeal provisions regarding eligibility to serve as a judicial official in certain counties to conform with the bill's general eligibility standards.

The bill would take effect September 1, 2025.

SUBJECT: Prohibiting use of public funds for nonprofit bail payments

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Smithee, Wu, Cook, Little, Louderback, Money, Moody, Virdell

2 nays — Bowers, Rodríguez Ramos

1 absent — J. Jones

SENATE VOTE: On final passage (February 19) — 27-3

WITNESSES: None (*Considered in a formal meeting on May 12*)

DIGEST: CSSB 40 would prohibit political subdivisions from spending public funds to pay a nonprofit organization that accepted and used donations from the public to deposit money with a court in the amount of a defendant's bail bond. The bill would establish that a taxpayer or resident of a political subdivision would be entitled to seek injunctive relief to prevent further activity prohibited under the bill by the political subdivision, and to recover reasonable attorney's fees and costs if the party prevailed in court.

The bill would take effect September 1, 2025.

SUPPORTERS SAY: CSSB 40 would ensure that taxpayer funds are used only for essential public safety expenses, like law enforcement, state prosecutorial services, and jail operations, rather than for charitable bail. This prohibition would encourage transparency in how taxpayer dollars are used by certain nonprofit organizations without hindering other pretrial assistance programs that expedite trial proceedings and lower court costs. Even if the diversion of taxpayer dollars to charitable bail organizations was not found to be a prevalent issue in the state, the bill would establish a clear legal boundary to prevent this practice from developing in the future.

CRITICS SAY:

CSSB 40 would be unnecessary, as there is no confirmed evidence that public funds have been used to pay nonprofit bail organizations in Texas. Refunds of privately donated bail money to a charitable bail organization by a county or municipality are not the same as taxpayer expenditures, and there is no indication that local governments are improperly using public funds for this purpose.

The bill could unintentionally disrupt funding for nonprofit services that provide critical non-bail resources such as transportation and court notifications, which can improve court appearance rates and reduce pretrial incarceration costs. Restricting support for these services could increase taxpayer costs by leading to more missed court dates and higher pretrial detention rates.

The bill also could unnecessarily restrict local control by limiting the ability of local governments to support community-based release efforts. Local governments should have the flexibility to allocate resources to the communities they serve, particularly if their constituents support such programs.

SUBJECT: Revising provisions related to bail and pretrial procedures

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Smithee, Bowers, Cook, Little, Louderback, Money, Moody, Virdell

2 nays — Wu, Rodríguez Ramos

1 absent — J. Jones

SENATE VOTE: On final passage (February 19) — 28 - 2

WITNESSES: None (*Considered in a formal meeting on May 12*)

BACKGROUND: Code of Criminal Procedure art. 17.03 allows magistrates to release certain defendants on personal bond under specific circumstances. Art. 17.15 provides guidelines for setting bail and directs magistrates to consider factors such as the nature of the offense, the defendant's criminal history, and the safety of the community.

Government Code ch. 54 provides for the appointment of masters, magistrates, referees, and associate judges in certain counties.

DIGEST: CSSB 9 would amend and establish provisions on the confinement or release of certain defendants before trial or sentencing, the regulation of charitable bail organizations, the conditions and procedures for setting bail and reviewing bail decisions.

Magistrate restrictions. CSSB 9 would prohibit magistrates appointed under Government Code ch. 54 in counties with a population of 200,000 or more from releasing defendants on bail if the defendant was:

- charged with a felony and already on bail, parole, or community supervision for a felony offense at the time of the new offense;

- previously convicted of two or more felonies for which the defendant was imprisoned in the Texas Department of Criminal Justice;
- subject to an immigration detainer issued by U.S. Immigration and Customs Enforcement; or
- charged with murder, capital murder, aggravated kidnapping, or aggravated sexual assault.

Before releasing on bail a defendant charged with a felony offense, CSSB 9 would require a magistrate to ensure that the defendant had appeared before the magistrate and that the magistrate had considered a public safety report containing the defendant's criminal history and other relevant risk assessment information.

Personal bonds. CSSB 9 would prohibit the release of a defendant on personal bond if the defendant was charged with:

- a violent offense;
- an offense resulting from the manufacture or delivery of certain controlled substances that resulted in death;
- making a terroristic threat, if the offense was punishable as a Class A misdemeanor or a higher category of offense;
- violating certain court orders or conditions of bond related to family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking; or
- unlawful possession of a firearm by a person convicted of a felony.

The bill also would prohibit the release of a defendant on personal bond if the defendant, while released on parole for a violent offense, as well as release on bail or community supervision, was charged with any offense punishable as a felony or an offense involving assault or deadly conduct.

Notice and bail reevaluation for certain defendants. If a defendant were taken before a magistrate for a felony offense while released on bail for another felony, CSSB 9 would require the court handling the original offense to consider whether to revoke or modify the terms of the previous bond or otherwise reevaluate the prior bail decision.

If the defendant committed the new felony in a different county, the bill would require electronic notice of the new charge to be provided to a designated individual in the county of the original offense by the next business day.

CSSB 9 would require the local administrative district judge in each county to designate an individual to receive electronic notices of new felony charges under certain provisions on bail release, as amended by the bill. The county would be required to ensure that the name and contact information of the designated individual were included in the required public safety reports. Upon receiving electronic notice, the designated individual would be required to promptly notify the appropriate court, the attorney representing the state, and the defendant's attorney, if known, in the pending case for which the defendant was released on bail.

Identification of appointing authorities in bail orders. CSSB 9 would require that any order granting bail signed by a magistrate appointed under ch. 54 of the Government Code included the names of each individual who appointed the magistrate and stated that the magistrate was appointed under ch. 54.

Bail reviews. CSSB 9 would establish procedures for district judges to review and modify bail decisions for defendants charged with or arrested for felony offenses. District judges in any county where the offense would be tried or where the charge was filed would have the authority to review and modify bail decisions, regardless of whether the defendant had been indicted or an information had been filed for the offense.

District judges would be required to review bail decisions as soon as practicable, but not later than the next business day after a request was filed by an attorney representing the state.

In reviewing bail decisions, district judges would be required to comply with certain provisions related to the duration, original and subsequent proceedings, and limits on setting new bail and to consider certain facts presented and rules established under Code of Criminal Procedure art. 17.15(a), including the nature and circumstances of the offense, the

defendant's criminal history, and the safety of the community. If a district judge modified bail for a defendant not in custody, the judge would be required to issue a summons for the defendant to appear and give the defendant a reasonable opportunity to appear before issuing a warrant for arrest.

Bail standards. CSSB 9 would define "clear and convincing evidence" for purposes of determining whether a defendant should be denied bail based on the risk the defendant posed to public safety or the likelihood the defendant would commit a subsequent felony if released as the measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.

This provision would only go into effect on January 1, 2026, if a constitutional amendment proposed by the 89th Legislature requiring the denial of bail under certain circumstances to persons accused of certain felony offenses was approved by voters.

Public safety report system. CSSB 9 would add requirements for the public safety report system used to provide information relevant to bail decisions. The bill would require the system to include whether the defendant:

- was on community supervision, parole, or mandatory supervision for an offense;
- was currently released on bail or participating in a pretrial intervention program and any conditions of that release or participation;
- had certain outstanding warrants; and
- was the subject of any current protective orders.

The bill would require the system to be capable of integrating with local jail and case management systems. The Office of Court Administration (OCA) would be authorized to modify the public safety report system to incorporate technological advances and other processes to enhance availability for public protection. On request from an attorney representing the state, the bill would require OCA to provide access to the

public safety report system to allow the attorney to access bail forms submitted under current law.

OCA would be authorized to provide grants to reimburse counties and municipalities for related costs if appropriated money was available. This grant provision would expire August 31, 2027.

CSSB 9 would authorize magistrates to order, prepare, or consider a public safety report when setting bail for a defendant who was not in custody at the time the report is ordered, prepared, or considered.

OCA bail forms. CSSB 9 would require that a person who, under the authority of a standing order related to bail, released on bail a defendant charged with a Class B misdemeanor or any higher category of offense to complete a bail form promulgated by OCA. The bill would reduce the deadline for any person required to submit the bail form to OCA from not later than 72 hours after the time the defendant's bail was set to not later than 48 hours after that time.

By January 1, 2026, the bill also would require OCA to provide an electronic copy of the bail form to the elected district attorney in each county for each defendant whose bail was set in the county for an offense involving violence.

Pretrial intervention programs. CSSB 9 would require an attorney representing the state or the attorney's designee responsible for monitoring a defendant's compliance with the conditions of a pretrial intervention program to enter information related to the conditions of the program into a statewide law enforcement database maintained by the Department of Public Safety as soon as practicable, but not later than the 10th business day after the date a defendant entered the program. The attorney or designee would be required to modify or remove this information as appropriate.

Charitable bail organizations. CSSB 9 would add new required information to the monthly reports submitted by charitable bail organizations, including:

- the charge for which the bond was paid;
- the category of offense for each charge for which the bond was paid;
- the amount of the bond paid; and
- whether a bond forfeiture had occurred in connection with the charge for which the bond was paid.

The bill also would require these reports to be submitted to OCA in addition to the sheriff of each county in which the organization filed an affidavit.

If OCA had reason to believe that a charitable bail organization had paid one or more bonds in violation of law, OCA would be required to report that information to the sheriff of the county where the suspected violation occurred.

Bond conditions and revocation. CSSB 9 would specify that a magistrate's authority to modify or revoke a bond applied regardless of whether the defendant was released due to a delay in prosecution. CSSB 9 would prohibit certain magistrates from reducing the amount or conditions of bond set by a district judge, including district court judges from other counties.

Confinement before sentencing. When a defendant entered a plea of guilty for certain serious offenses not eligible for judge-ordered community supervision, CSSB 9 would require the court to order the defendant to be taken into custody and confined until the defendant was sentenced.

Affirmative finding for failure to appear. CSSB 9 would require a judge to make an affirmative finding of fact and enter the finding in the judgment or dismissal order if the judge determined that a defendant willfully failed to appear after being released from custody for an offense punishable as a Class B misdemeanor or any higher category of offense. The affirmative finding would have to include the number of times the defendant failed to appear for the offense.

Appeals by the state. CSSB 9 would expand the state's authority to appeal certain bail decisions in criminal cases. The bill would allow the state to appeal a court's order granting bail in an amount considered insufficient by the prosecuting attorney if the defendant was charged with:

- a serious offense, including murder, capital murder, aggravated assault, aggravated kidnapping, aggravated robbery, aggravated sexual assault, indecency with a child, or trafficking of persons; or
- a felony and was released on bail for another felony at the time of the current offense.

The bill would require the court of appeals to expedite these appeals and issue a decision within 20 days of filing. The bill would require that a defendant remain in custody during the pendency of the appeal.

The bill would require the Texas Supreme Court to adopt rules for implementing this expedited appeal process by October 1, 2025.

Victim notification rights. CSSB 9 would expand the rights of victims, guardians of victims, and close relatives of deceased victims to include the right to be informed, upon request, as to whether a defendant had fully complied with any conditions of the defendant's bail.

Effective date. CSSB 9 would take effect on September 1, 2025, except as otherwise provided.

SUPPORTERS SAY:

By enhancing the regulation of bail procedures and closing gaps in current law regarding the conditions and setting of bail, CSSB 9 would prevent violent offenders from committing additional crimes after being released on bail. Limiting the release of repeat offenders under the bill would improve public safety and reduce the risk of reoffending while on bond. Stricter bail laws also could address concerns about judges setting low or no bond for defendants charged with serious offenses, potentially reducing violent crime committed by those out on bond. Violent offenders should not be permitted to continue their criminal behavior while released on bond, as this poses significant risks to Texas communities and law enforcement. Without such reforms, repeat offenders could cause ongoing harm to public safety.

The bill also aims to prevent magistrates, who are non-elected officials, from modifying bond amounts or conditions set by elected district judges. By preserving certain high-risk judicial decisions for elected judges, the bill would increase accountability and ensure that the will of the public was reflected in these critical decisions. Under the current system, when a judge declares an initial bond set by a magistrate to be insufficient, the defendant must come back to the bond industry and seek a higher amount. This can lead to costly delays and unnecessary repetition, complicating the work of law enforcement and increasing the risk to the public. Preventing these modifications is necessary to preserve the original intent of bail conditions and reduce administrative burdens.

CSSB 9 would not require additional detention or remove judicial discretion in the amount that a judge sets for an offense that was not eligible for a personal bond. Judges would retain the authority to consider a defendant's criminal history, indigency status, flight risk, and risk to the community when setting bond amounts. Additionally, existing protections in the law would ensure that each case received an individualized assessment, preventing blanket pretrial detention for entire classes of offenses.

CRITICS SAY:

By expanding the list of offenses ineligible for personal bonds, CSSB 9 would reduce the availability of tools for fair and effective pretrial release, removing important mechanisms for addressing cases involving mental health crises or unique personal circumstances. The bill would unnecessarily increase pretrial detention among defendants who are already generally low-risk offenders if they are eligible for release. In addition, the bill would expand ineligible offenses to include terroristic threat, which is typically a misdemeanor. This could lead to defendants spending more time in jail pretrial than they would if convicted, which could create pressure for defendants to plead guilty in such cases.

Expanding the use of cash bail through CSSB 9's personal bond restrictions would disproportionately impact low-income defendants, potentially creating further economic hardships and increasing recidivism by keeping low-level offenders in the criminal justice system. Cash should not be a deciding factor in whether certain defendants are released. This

approach also could place additional financial burdens on counties already struggling with jail overcrowding and budget constraints by increasing demand on their resources and capacity.

The bill also would restrict judicial discretion for determining risk on a case-by-case basis, which could increase pretrial detention rates without clear evidence of public safety benefits. Magistrates play a crucial role in extending judicial capacity, and removing their discretion in lower-level cases could worsen backlogs and lead to unnecessary pretrial detention. This could also reduce the ability to make individualized assessments of risk, potentially leading to less just outcomes for low-risk defendants.

By increasing prosecutorial power and procedural requirements through an appeals process initiated by the state, CSSB 9 would complicate the relationship between the executive and judicial branches in bail procedures. The resolution also could lead to significant delays and violations of due process rights, particularly in counties with populations of 200,000 or more, by increasing demands on non-magistrate judges to hear cases and allow individuals to be released on personal bond.

Additionally, expanded detention requirements would strain county jails and create logistical challenges, including increased transportation costs and staffing burdens. Ultimately, CSSB 9 could impose significant costs on counties required to hold more individuals pretrial without sufficient state reimbursement or resources to manage increased pretrial populations.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about $6.1 million to general revenue related funds through the biennium.

SUBJECT: Requiring bail denial for illegal aliens charged with certain felonies

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Smithee, Cook, Little, Louderback, Money, Moody, Virdell

4 nays — Wu, Bowers, J. Jones, Rodríguez Ramos

SENATE VOTE: On final passage (February 19) — 28-2

WITNESSES: None (*Considered in a formal meeting on May 12*)

DIGEST: CSSJR 1 would propose a constitutional amendment to require that an illegal alien be denied bail pending trial if a judge or magistrate determined after a hearing that probable cause existed to believe that the person had engaged in conduct constituting an offense specified by the resolution.

For purposes of the resolution, the term "illegal alien" would mean an alien who, before the date of the commission of the offense:

- had entered the U.S. without inspection or at a time or location not designated by the U.S. attorney general, or had been admitted as a nonimmigrant and failed to maintain that status or comply with its conditions; and
- had not attained and maintained lawful presence in the U.S. before the date of the commission of the offense.

The term "lawfully present" would apply only to a U.S. citizen or an individual who had been granted status as a lawful permanent resident, asylee, refugee, or parolee status under a military parole in place program.

The resolution would apply to an illegal alien accused of committing one or more of the following offenses:

- criminal solicitation, if the offense was punishable as a first-degree felony;

- murder;
- capital murder;
- aggravated kidnapping;
- trafficking of persons;
- continuous trafficking of persons;
- indecency with a child;
- sexual assault;
- aggravated sexual assault;
- injury to a child, if the offense was punishable as a felony;
- aggravated robbery;
- burglary, if punishable as a first-degree felony and committed with intent to commit certain sexual offenses;
- aggravated promotion of prostitution;
- compelling prostitution;
- sexual performance by a child;
- possession or promotion of child pornography;
- an offense involving a deadly weapon, if the offense was punishable as a felony and the alien was a party to the offense and used or knew that a deadly weapon would be used during the commission of or immediate flight from the offense;
- an offense under the Election Code punishable as a third-degree felony or higher;
- an offense involving the manufacture, delivery, or possession with intent to deliver a controlled substance, if punishable as a felony; or
- an offense involving the manufacture, delivery, or possession of a controlled substance in a drug-free zone, if punishable as a felony and if the individual had a prior felony conviction for a similar offense in a drug-free zone.

The resolution would establish that it could not be construed as preventing the lawful transfer of custody of an illegal alien denied bail under the resolution.

The ballot proposal would be submitted to voters at an election on November 4, 2025, and would read: “The constitutional amendment requiring the denial of bail under certain circumstances for illegal aliens charged with certain offenses punishable as a felony.”

SUPPORTERS SAY:

CSSJR 1, known as Jocelyn's Law, would address critical public safety concerns about serious crimes alleged to have been committed by defendants who entered the country illegally, including the 2024 murder of 12-year-old Jocelyn Nungaray in Houston. The proposed constitutional amendment would better ensure public safety by requiring the denial of bail for individuals unlawfully present in the U.S. who are charged with violent felonies. Some judges and magistrates in the state have allowed such individuals to be released on personal recognizance or very low bail, disregarding these offenders' violent histories and endangering local communities. By removing the risk of these individuals reoffending while on pretrial release, the resolution would enhance community safety and address gaps in the current system that allow potentially dangerous offenders to avoid detention. Felony criminal aliens are especially considered high flight risks due to the severe penalties they face, including imprisonment and deportation, which provide strong incentives to evade prosecution. Once released, these individuals can be extremely difficult to locate and return to court, particularly if they leave the country or remain untraceable.

For victims and their families, the resolution would provide greater certainty that dangerous offenders would remain in custody, reducing the emotional burden of repeatedly attending bond hearings to argue for appropriate detention.

CSSJR 1 would align state law with federal regulations established under the Laken Riley Act, which requires law enforcement to detain undocumented immigrants arrested for or charged with certain crimes. The resolution's approach would shift responsibility for pretrial detention from federal to state authorities, reducing reliance on federal enforcement policies that can change with each administration and ensuring that individuals who pose a significant flight risk remain in custody.

The proposed amendment would not create additional burdens for local governments as, under Code of Criminal Procedure art. 17.15, a defendant's immigration status is already a factor that judges and magistrates must consider when setting bond. This information, when available, is already kept and updated through the Department of Public

Safety's (DPS) Texas Law Enforcement Telecommunications System (TLETS) for local governments to access, and can also be determined during a bail hearing if needed.

Additionally, the resolution would complement the federal 287(g) program, which allows local law enforcement agencies, including sheriffs' offices in Texas, to partner with U.S. Immigration and Customs Enforcement (ICE) for certain immigration enforcement duties. Some Texas counties already participate in this program, which has been credited with reducing local detention costs by allowing more efficient transfer of individuals to federal custody and helping to reduce the strain on local jails.

CRITICS SAY:

CSSJR 1 would encumber local governments and Texas taxpayers with significant added costs, as counties could be required to detain individuals for extended periods while these offenders' cases were adjudicated, potentially overburdening crowded local jails already struggling with strained resources and staffing shortages. As the federal government does not typically take custody of an individual until the case is resolved or the individual is released, the proposed constitutional amendment could potentially hinder ICE's removal and transfer of undocumented immigrants, further increasing the strain on local facilities and leading to broader economic impacts, including increased operational costs, reduced funding for essential local services, and higher taxes.

The resolution could discourage immigrant communities from cooperating with law enforcement, as individuals who fear that reporting crimes could lead to prolonged detention would be less likely to come forward as witnesses or victims. This could make it harder for police to investigate certain crimes and potentially reduce overall public safety. The resolution also could introduce significant financial, social, and mental health consequences to immigrants by separating them from their families and jobs during pretrial detention, potentially leading to worse long-term outcomes for these individuals and their communities.

By requiring pretrial detention to be enforced based on an assumption of guilt before a trial, rather than flight risk or a continuing threat to public safety, the bill risks violating constitutional due process protections,

including the presumption of innocence. This could expose the state to costly legal challenges and undermine public trust in the fairness of the criminal justice system.

Under the CSSJR 1, state judges also could be required to make complex immigration status determinations during initial hearings without proper authority or expertise, increasing the likelihood of errors and legal challenges. This approach would undermine judicial discretion by imposing blanket restrictions on bail eligibility, reducing the ability of judges to consider the unique circumstances of each case.

NOTES:

According to the Legislative Budget Board, the constitutional amendment would have no cost to the state other than the cost of publication, which would be $191,689.

SUBJECT: Requiring denial of bail for certain felony offenses

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 10 ayes — Smithee, Wu, Bowers, Cook, J. Jones, Little, Louderback, Money, Moody, Virdell

1 nay — Rodríguez Ramos

SENATE VOTE: On final passage (February 20) — 28-2

WITNESSES: None (*Considered in a formal meeting on May 12*)

DIGEST: CSSJR 5 would propose a constitutional amendment to require that bail be denied pending trial to a person accused of one or more of the following felony offenses if the state demonstrated by clear and convincing evidence after a hearing that granting bail would have been insufficient to reasonably prevent the person's willful nonappearance in court or ensure the safety of the community, law enforcement, and victim of the alleged offense:

- murder;
- capital murder;
- aggravated assault if the person caused serious bodily injury or used a firearm, club, knife, or explosive weapon;
- aggravated kidnapping;
- aggravated robbery;
- aggravated sexual assault;
- indecency with a child;
- trafficking of persons; or
- continuous trafficking of persons.

In making this determination, a judge or magistrate would be required to consider the:

- likelihood of the person's willful nonappearance in court;
- nature and circumstances of the alleged offense;

- safety of the community, law enforcement, and victim of the alleged offense; and
- criminal history of the person.

A judge or magistrate who granted bail under the resolution would be required to:

- set bail and impose only those conditions of release necessary to reasonably prevent the person's willful nonappearance in court and ensure the safety of the community, law enforcement, and victim of the alleged offense; and
- prepare a written order that included findings of fact and a statement explaining the judge's or magistrate's justification for the grant and the determinations required by these provisions.

At a hearing described by the resolution, a person would be entitled to be represented by counsel.

CSSJR 5 would specify that these provisions could not be construed to limit any right a person had under other law to contest a denial of bail or to contest the amount of bail set by a judge or magistrate or to require any testimonial evidence, with respect to the applicable person, before a judge or magistrate made a bail decision.

The ballot proposal would be submitted to voters at an election on November 4, 2025, and would read: "The constitutional amendment requiring the denial of bail under certain circumstances to persons accused of certain offenses punishable as a felony."

SUPPORTERS SAY:

By allowing judges to deny bail for cases involving felonies such as murder, aggravated sexual, and human trafficking, CSSJR 5 would prevent high-risk offenders from committing additional crimes while awaiting trial. Pretrial releases on low bail or personal recognizance can allow dangerous individuals to remain in the community, as high-risk defendants who can afford bail may be released, even if they pose a significant threat to public safety. By limiting this authority to only the most serious offenses, the resolution would ensure that only those individuals who posed the greatest risk were denied bail.

The proposed constitutional amendment also would provide a distinct threshold for denying bail by requiring the state to demonstrate by clear and convincing evidence that granting bail was insufficient to reasonably prevent a person's willful nonappearance in court and otherwise ensure public safety. This standard is already used in other areas of the law, such as the termination of parental rights, providing judges with a consistent and well-established benchmark for making this determination. Additionally, this determination could only be made after a judge found probable cause that the defendant had committed the underlying offense. This discretionary approach would establish two burdens that a judge must meet to detain an individual under the resolution, which would balance public safety concerns with the constitutional rights of the accused. The resolution would give judges the tools to make informed decisions about pretrial detention, ensuring that detention was based on specific findings and grounded in a clear and convincing evidentiary standard.

The resolution also would include several procedural safeguards to protect defendants' rights. Defendants would have the right to be represented by counsel at bail denial hearings, ensuring legal representation during this critical stage of the pretrial process. Additionally, if a judge determined that probable cause existed for one of the charged offenses and that the clear and convincing standard was met, the defendant would retain the right to appeal the decision. Current law also requires that prosecutors meet certain indictment timelines under the Code of Criminal Procedure to protect a defendant's right to a speedy trial. If these deadlines were not met, a judge would have to lower a defendant's bond amount.

CRITICS SAY:

CSSJR 5 would lead to longer pretrial detentions for individuals who have yet to be convicted of a crime, increasing the financial and personal burdens of detention on these defendants and undermining the presumption of innocence. The resolution also could be ineffective at addressing its stated goal of increasing public safety, as high pretrial incarceration rates have been shown to be associated with increased recidivism, difficulty reintegrating into the community, and poorer long-term outcomes for defendants. The resolution also could exacerbate racial

disparities in the state's criminal justice system, as people of color are already overrepresented in Texas jails.

Texas judges already have the discretion to deny bail to potentially dangerous individuals by setting cash bonds at amounts that effectively prevent release. Additionally, Texas consistently ranks among the states with the highest pretrial detention rates even as violent crime rates have decreased, suggesting that the current system already provides for substantial pretrial detention. Increasing reliance on pretrial detention could exacerbate overcrowding in county jails, which are often understaffed and struggling with limited resources. This strain on resources could ultimately limit the effectiveness of the criminal justice system, potentially leading to higher taxpayer costs without commensurate public safety benefits.

Creating a requirement for a clear and convincing evidentiary standard without establishing a specific timeline by which this determination must be made also could lead to delays in trial proceedings, causing alleged offenders to be held for longer without meaningful recourse and undermining defendants' right to a speedy trial.

OTHER CRITICS SAY:

CSSJR 5 should include a requirement for judges to consider the "least restrictive conditions" that would reasonably ensure public safety and the defendant's appearance in court, rather than requiring judges to impose conditions that are "necessary only" to reasonably prevent the person's willful nonappearance or ensure public safety. This approach would create procedural safeguards to ensure that pretrial detention is reserved for truly high-risk cases and reduce the risk of unnecessarily lengthy incarceration for lower-risk defendants.

NOTES:

According to the Legislative Budget Board, the constitutional amendment would have no cost to the state other than the cost of publication, which would be $191,689.

SUBJECT: Establishing provisions on teacher rights, school and teacher assistance

COMMITTEE: Public Education — favorable, without amendment

VOTE: 15 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Hunter, Kerwin, Leach, Leo Wilson, Schoolcraft, Talarico

0 nays

SENATE VOTE: On final passage (April 3) — 31 - 0

WITNESSES: For — Kelsey Kling, Texas AFT (*Registered, but did not testify*: Garry Jones, DFER TX; Jonathan Feinstein, EdTrust in Texas; Gabe Grantham, Texas 2036; Matthew McCormick, Texas Public Policy Foundation; Carrie Griffith, Texas State Teachers Association; Clark Densin)

Against — (*Registered, but did not testify*: Cassandra Hulsey, Texas Association of School Psychologists; and 6 individuals)

On — Sylvia Tanguma, McAllen AFT (*Registered, but did not testify*: Maia Volk, Disability Rights Texas; Chloe Latham Sikes, Intercultural Development Research Association (IDRA); Crystal Tran, Texas Appleseed; Sarah Reyes, Texas Center for Justice and Equity; Andrea Chevalier, Texas Council of Administrators of Special Education (TCASE); Jessica Mcloughlin, Texas Education Agency)

BACKGROUND: Education Code sec. 37.002(b) allows a teacher to remove from class a student who has been documented by the teacher to repeatedly interfere with or whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

The Teacher Vacancy Task Force was established in March 2022 to examine teacher retention and recruitment challenges in Texas and issued its final report and recommendations in February 2023. Some have

suggested that the Legislature should codify many of the task force's recommendations to provide greater support to Texas teachers.

DIGEST:

SB 27 would establish and amend provisions regarding teacher rights as well as financial and other assistance provided to teachers and schools by the Texas Education Agency (TEA).

Student removal. The bill would amend provisions regarding student removal by a teacher. The bill would revise Education Code sec. 37.002(b) to remove the condition that a teacher had to document the behavior of a student who repeatedly interfered with the teacher's ability to communicate or students' ability to learn. The bill also would revise the section to specify that a teacher could remove a student from class who demonstrated behavior that was unruly, disruptive, or abusive toward another adult or another student, as well as toward the teacher, or engaged in conduct that constituted bullying, as defined in provisions of the Education Code on student discipline. A teacher also would be authorized to remove a student from class based on a single incident of behavior described by this section.

A teacher, campus behavior coordinator, or other appropriate administrator would be required to notify a parent or person standing in parental relation to a student of the removal of a student.

The bill also would require that, as a condition for a principal to return a removed student to class without the teacher's written consent, a conference was held in which the teacher had the opportunity to participate by the third class day after the student was removed. The principal could not return the student to the teacher's class unless the teacher provided written consent for the student's return or a return to class plan had been prepared for that student. The principal could only designate an employee of the school whose primary duties did not include classroom instruction to create a return to class plan. A return to class plan would have to be created before or at the conference, and a plan created before the conference would have to be discussed at the conference.

The education commissioner would have to adopt a model return to class plan for use by a school district in accordance with the bill.

A student could appeal a removal from class to the school's placement review committee or the safe and supportive school team. The principal, campus behavior coordinator, or other appropriate administrator would be required to, at the conference, notify a student who had been removed from class and the student's parent or guardian of the student's right to appeal.

Threat assessment, safe and supportive school team. The bill would expand the requirements for policies and procedures adopted by a school district's board of trustees for a threat assessment and safe and supportive school team to include that the policies would have to require, as soon as was safe and practicable after an administrator or team received information regarding a threat, the administrator or team to immediately provide to each relevant member of the teaching staff notice that included:

- a statement of the existence of the threat;
- the nature of the threat; and
- any or pertinent details to ensure student and staff safety.

Complaints. A grievance procedure adopted by a school district's board of trustees would have to require that, for a complaint filed against a teacher or other employee, the district provided notice of the complaint to the teacher or employee and sufficient opportunity for the teacher or employee to submit a written response to the complaint to be included in the record.

Employment policy. The bill would change the deadline by which a district's employment policy had to require the district to provide current employees certain notice and opportunity to apply from not later than the 10th day before a district filled a vacant position for which an educator certificate or license was required to not later than the fifth day before that date.

The employment policy would be required to provide that, for purposes of determining the amount of a reduction in the salary of a classroom teacher, full-time counselor, or full-time librarian for unpaid leave, the employee's daily rate of pay would have to be calculated by dividing the

employee's annual salary by the number of days the employee was expected to work for that school year.

Waiver or payment of certain examination and certification fees. SB 27 would require the State Board for Educator Certification (SBEC), for a person applying for a certification in special education, bilingual education, or another area specified by the General Appropriation Act, to waive a certification examination fee imposed by SBEC for the first administration of the examination and a fee associated with the application for certification. SBEC would have to pay the examination fee assessed by a vendor to that vendor for the first administration of the examination to an applicant for certification.

Bilingual Target Language Proficiency Test. SBEC would be required to propose rules to allow a person seeking certification who failed to perform satisfactorily on the Bilingual Target Language Proficiency Test to:

- retake only the sections of the test that included the domains on which the person failed to perform satisfactorily; and
- during a retake, demonstrate the person's language proficiency through the completion of fewer components.

Resignations under certain contracts. The bill would prohibit SBEC from imposing a sanction against a teacher who relinquished a position under a probationary, continuing, or term contract and left the employment of the district after the 45th day before the first day of instruction for the upcoming school year in violation of the contract and without the consent of the district's board of trustees if the teacher's failure to comply was due to:

- a serious illness or health condition of the teacher or a close family member;
- the teacher's relocation because the teacher's spouse or a partner who resided with the teacher changed employers or employment location;

- a significant change in the needs of the teacher's family that required the teacher to relocate or forgo employment during a period of required employment under the contract; or
- the teacher's reasonable belief that the teacher had written permission from the district's administration to resign.

Recommendation of hearing examiner. The bill would authorize the hearing examiner for a hearing requested by a teacher related to contract termination or suspension decisions to dismiss a hearing before its completion or before making a written recommendation if:

- the teacher requested the dismissal;
- the school district withdrew the proposed decision that was the basis of the hearing; or
- the teacher and school district requested the dismissal after reaching a settlement regarding the proposed decision that was the basis of the decision.

Employed retiree teacher reimbursement grant program. From money appropriated or otherwise available, the education commissioner would be required to establish and administer a grant program to award money to reimburse a school district, a charter school, the Windham School District, the Texas School for the Deaf, or the Texas School for the Blind and Visually Impaired that hired a teacher who retired before September 1, 2024, for the increased contributions to the Teacher Retirement System (TRS) associated with hiring the retired teacher.

The Legislature could provide for, modify, or limit amounts appropriated for the grant program. The education commissioner would have to proportionally reduce award amounts if the number of grant applications exceeded the number of grants that could be awarded with the available money. A district or school could use money received under the program to make required employer contributions to TRS for employed retirees.

Election by teacher to use unpaid leave. The bill would require a school district's board of trustees to adopt a policy that provided a teacher the option to elect not to take the teacher's paid personal leave concurrently

with unpaid leave the teacher was entitled to take under federal law for an absence due to pregnancy or the birth or adoption of a child.

Teacher quality assistance. From money appropriated or otherwise available for the purpose, TEA would be required to develop training for and provide technical assistance to school districts and charter schools regarding:

- strategic compensation, staffing, and scheduling efforts that improved professional growth, teacher leadership opportunities, and staff retention;
- programs that encouraged high school students or other area community members to become teachers; and
- programs or strategies that school leaders could use to establish clear and attainable behavior expectations while proactively supporting students.

TEA would be required to provide grants to school districts and charter schools to implement such initiatives.

Teacher time study. From money appropriated or otherwise available for the purpose, the bill would require TEA to develop and maintain a technical assistance program to support school districts and charter schools in:

- studying how the district's or school's staff and student schedules, required noninstructional duties for teachers, and professional development requirements for educators were affecting the amount of time teachers worked each week;
- refining the schedules for students or staff as necessary to ensure teachers had sufficient time during normal work hours to fulfill all job duties; and
- studying how to reduce and streamline the tasks and duties a teacher was required to perform.

TEA would have to periodically make findings and recommendations for best practices publicly available using information from participating school districts and charter schools.

Teacher position information. The bill would require TEA to collect data from school districts and charter schools to address teacher retention and recruitment, including relevant information regarding vacant teaching positions. The data could be collected through the Public Education Information management System (PEIMS) or another TEA-specified electronic reporting mechanism.

Repeal. SB 27 would repeal provisions establishing that an employer who reports to TRS the employment of a retiree is responsible for payment of certain TRS contributions.

Other provisions. To the extent of any conflict, the bill would prevail over another act of the 89th Legislature relating to nonsubstantive additions to and corrections in enacted codes.

Provisions related to a district's employment policy and election by a teacher to use unpaid leave would apply beginning with the 2025-2026 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

NOTES:

The Legislative Budget Board estimates the bill would have a negative impact of about $41.2 million in general revenue related funds through the biennium.

SUBJECT: Requiring excused school absence for mental health appointment

COMMITTEE: Public Education — favorable, without amendment

VOTE: 15 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Hunter, Kerwin, Leach, Leo Wilson, Schoolcraft, Talarico

0 nays

SENATE VOTE: On final passage (April 1) — 31 - 0

WITNESSES: For — Christine Busse, NAMI Texas; Noah Jones, Texas Counseling Association; Troy Jones; Whitney Kenney (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators (ATPE); Jacquie Benestante, Autism Society of Texas; John Litzler, Baptist General Convention of Texas Christian Life Commission; Jason Sabo, Children at Risk; Cole Glosser, Coalition of Texans with Disabilities; Steven Aleman, Disability Rights Texas; AD Tincopa, Girls Empowerment Network; Chloe Latham Sikes, Intercultural Development Research Assocation (IDRA); Christine Yanas, Methodist Healthcare Ministries; Bryan Mares, National Association of Social Workers -Texas; Cameron Samuels, Students Engaged in Advancing Texas; Tessa Galloso, Texans Care for Children; Kelsey Kling, Texas AFT; Amanda Afifi, Texas Association of School Psychologists (TASP); Stephanie Battaglia, Texas CASA; Paige Williams, Texas Classroom Teachers Association; Kelsey Bernstein, Texas Council of Community Centers; McCann Turner, Texas Health Resources (THP); Will Holleman, Texas Hospital Association; Matt Dowling, Texas Medical Association; Amy Litzinger, Texas Parent to Parent; Stefanie Page, Texas Pediatric Society; Mary Beth Kiser, Texas Psychological Association; Jennifer Easley, Texas PTA; Carrie Griffith, Texas State Teachers Association; Michael Clarke, The Arc of Texas; and 15 individuals)

Against — (*Registered, but did not testify*: Steven Deline; Sofia Sepulveda; Juliette Thurber; Emily Witt)

On — (*Registered, but did not testify*: David Marx and Kristin McGuire, Texas Education Agency (TEA))

BACKGROUND:

Education Code sec. 25.087 requires a public school district to excuse a temporary absence resulting from an appointment with a health care professional for a student or the student's child if the student commenced classes or returned to school on the same day of the appointment.

Concerns have been raised regarding the application of the law for temporary student absences for appointments with mental health professionals.

DIGEST:

SB 207 would amend Education Code sec. 25.087 to require a school district to excuse a student from attending school for a temporary absence resulting from an appointment with a mental health professional for the student or the student's child if the student commenced classes or returned to school on the same day of the appointment.

The bill would apply beginning with the 2025-26 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Amending inmate veteran status verification requirements

COMMITTEE: Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment

VOTE: 10 ayes — Hefner, R. Lopez, Cortez, Dorazio, Hickland, Holt, Isaac, Louderback, McLaughlin, Pierson

0 nays

1 absent — Canales

SENATE VOTE: On final passage (April 30) — 31 - 0

WITNESSES: None (*Considered in a public hearing on May 7*)

BACKGROUND: Some have suggested that statutory procedures requiring verification of veteran status for inmates in the criminal justice system to assist them with applying for federal benefits should be clarified to enhance identification and allow indigent veterans to access services.

DIGEST: SB 2938 would require the Texas Department of Criminal Justice (TDCJ) to mail any related paperwork, applications, or other correspondence on behalf of and at no charge to qualifying veterans who were inmates when assisting them in applying for federal benefits or compensation under a program administered by the U.S. Department of Veterans Affairs.

The bill would specify that a county sheriff who investigated and verified the veteran status of each prisoner would be required to take those actions during the intake process. If a prisoner were a veteran, the bill would require the county sheriff to:

- provide the prisoner with a prepaid postcard from the Texas Veterans Commission (TVC) for purposes of requesting assistance in applying for veterans benefits;
- submit a weekly report identifying each prisoner whose veteran status was verified during the previous week to TVC, the veterans

county service office, and each court in which charges against a prisoner identified in the report were pending, as applicable; and

- allow the prisoner to have an in-person or video visitation with the veterans county service officer for the county or a peer service coordinator at no cost to the prisoner.

SB 2938 would require a county to provide the veteran status of a defendant, as determined by an investigation conducted under statutory provisions, when transferring the defendant to TDCJ.

The bill would take effect September 1, 2025.

SUBJECT: Providing Opioid Abatement Fund Council membership and ethics rules

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 19 ayes — Bonnen, M. González, Barry, DeAyala, Fairly, Garcia Hernandez, Gervin-Hawkins, Goodwin, Harrison, Kitzman, Lujan, Martinez, Oliverson, Orr, Simmons, Slawson, Tepper, Villalobos, Walle

0 nays

8 absent — Collier, Howard, V. Jones, J. Lopez, Lozano, Manuel, Rose, Wu

SENATE VOTE: On final passage (May 6) — 31 - 0

WITNESSES: For — (*Registered, but did not testify*: Joel Romo, Nueces County Hospital District; Lisa Kaufman, Teaching Hospitals of Texas)

Against — None

On — (*Registered, but did not testify*: Mark Domel, Texas Comptroller of Public Accounts; Katy Fallon-Brown, Opioid Abatement Fund Council and Texas Comptroller of Public Accounts; Genoveva Minjares, Texas Treasury Safekeeping Trust Company)

BACKGROUND: Concerns have been raised regarding the need for clearer administrative guidelines and conflict of interest provisions for the Texas Opioid Abatement Fund Council. Some have suggested revising current law to enhance oversight and ensure the efficient, evidence-based use of opioid settlement funds.

DIGEST: SB 1901 would amend provisions on the Texas Opioid Abatement Fund Council to require the voting members of the council to serve staggered six-year terms, with the terms of four or five members, as applicable, expiring on February 1 of each odd-numbered year. At the first meeting on or after the bill's effective date the voting members would have to draw lots to determine which four members would serve a term expiring

February 1, 2027, which four members would serve a term expiring February 1, 2029, and which five members would serve a term expiring February 1, 2031.

A council member would be required to recuse themselves from participating in the review, discussion, deliberation, or vote on an application for an award if the member knew that the member or a person related to the member within the first degree of affinity or consanguinity had a professional or financial interest in an entity that was directly receiving or applying to receive money from the council. The council could adopt additional conflict of interest standards to implement the bill or comply with state laws on standards of conduct and conflict of interest.

A trust company could reallocate to the council money that was distributed to or should have been distributed to counties or municipalities to address opioid-related harms in those communities if that county or municipality:

- did not deposit the money before the second anniversary of the date on which the money was distributed; or
- submitted in writing to the trust company a document that indicated that the municipality or county affirmatively forfeited or refused to accept the money.

The bill would repeal certain provisions specifying which of the appointed council members would have to approve of an evidence-based opioid abatement strategy in order for the decision to be considered approved.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Amending fees for certain military specialty license plates

COMMITTEE: Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment

VOTE: 10 ayes — Hefner, R. Lopez, Cortez, Dorazio, Hickland, Holt, Isaac, Louderback, McLaughlin, Pierson

0 nays

1 absent — Canales

SENATE VOTE: On final passage (April 10) — 30 – 0

1 absent — King

WITNESSES: None (*Considered in a public hearing on May 7*)

BACKGROUND: Some have suggested that the fee structure for military specialty license plates should be clarified in current law to ensure the consistent application of fees to the appropriate specialty license plates.

DIGEST: SB 1227 would remove the $3 fee for the issuance of one set of military specialty license plates for Purple Heart recipients and Pearl Harbor survivors and remove the additional fee for military specialty license plates required of certain veterans with certain statutory exceptions.

The bill would take effect September 1, 2025.

SUBJECT: Excepting certain harvest report information from public disclosure

COMMITTEE: Culture, Recreation & Tourism — favorable, without amendment

VOTE: 9 ayes — Metcalf, Flores, Cole, DeAyala, Kerwin, Martinez Fischer, Orr, Vasut, Ward Johnson

0 nays

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: For — (*Registered, but did not testify*: Joe Morris and Larry Young, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers' Union; Charles Maley, South Texans' Property Rights Association; Matt Wagner PhD, Texas Chapter of The Wildlife Society; Blake Roach, Texas Farm Bureau; John Shepperd, Texas Foundation for Conservation; John Wilkerson, Texas Municipal Police Association (TMPA); Joey Park, Texas Wildlife Association)

Against — (*Registered, but did not testify*: Steven Deline)

On — (*Registered, but did not testify*: David Eichler and Shaun Oldenburger, Texas Parks and Wildlife)

BACKGROUND: Concerns have been raised that public disclosure of harvest location data could compromise privacy and create a barrier to collecting accurate harvest data.

DIGEST: SB 1248 would prohibit the disclosure of information from recreational harvest reports submitted to the Texas Parks and Wildlife Department (PWD), including the specific location of harvested game animals, game birds, fur-bearing animals, nongame animals, alligators, fish, or other aquatic life, except when authorized in cases requiring the notice of a wildlife disease outbreak. The bill would establish that the Public Information Act did not apply to information from such a report.

The bill would authorize PWD to disclose information from a report in certain circumstances, including disclosure to a law enforcement agency pursuant to a lawfully issued subpoena and disclosure of statistical data and compilations of information in a manner that did not identify personal or locational information.

Additionally, the bill would establish that PWD and its officers and employees were immune from civil liability for an unintentional violation of the bill.

The bill would take effect September 1, 2025.

SUBJECT: Establishing continuing education tracking system for health care licenses

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — VanDeaver, Bucy, Collier, Johnson, J. Jones, Jolanda, Schofield, Shofner, Simmons

4 nays — Cunningham, Frank, Olcott, Pierson

1 absent — Campos

SENATE VOTE: On final passage (April 24) — 28 - 3

WITNESSES: For — Kelly Parker, Propelus (*Registered, but did not testify*: Stacy Wilson, Children's Hospital Association of Texas; Kristi Tonn, Covenant Health; Christine Yanas, Methodist Healthcare Ministries; Steven Deline)

Against — None

BACKGROUND: Concerns have been raised that many state agencies are using outdated continuing education tracking systems, which can reduce efficiency and strain capacity as the state's health care workforce grows.

DIGEST: CSSB 912 would require each entity that issued licenses to health care practitioners under certain provisions of the Occupations Code to establish, by rule and no later than September 1, 2026, a continuing education tracking system for use by and accessible to health care practitioners, licensing entity staff, and applicable continuing education providers. The tracking system could not require any expenditure by a licensing entity.

The bill would limit the tracking system to collecting and using only information that the licensing entity designated by rule as necessary for the system's performance of a function required by the bill, as well as information directly related to a health care practitioner's compliance with continuing education requirements, including:

- the practitioner's name and license number;

- the license issue and expiration date; and
- any other information disclosed to the public in response to a license verification request.

The bill would allow a licensing entity subject to the bill to maintain agreements with continuing education tracking system providers that were in place on the bill's effective date, as well as any costs associated with implementation of those agreements.

CSSB 912 would require the Texas Department of Licensing and Regulation (TDLR) to establish a continuing education tracking system by September 1, 2028. The continuing education tracking system would be required to comply with the federal Americans with Disabilities Act of 1990 and, if it were a cloud-based system, to be certified under the Texas Risk and Authorization Management Program.

The bill would prohibit a licensing entity from renewing a health care practitioner's license unless the entity had verified compliance with any continuing education requirements. This requirement could be satisfied through verification using a continuing education tracking system. Verification also would have to be used in any audit of health care practitioners conducted by the licensing entity.

CSSB 912 would not prohibit a licensing entity from imposing penalties under applicable statutes or rules for a practitioner's failure to comply with continuing education requirements.

The bill would take effect September 1, 2025.

SUBJECT: Including TCOLE peace officers in Schedule C compensation and leave

COMMITTEE: Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment

VOTE: 10 ayes — Hefner, R. Lopez, Cortez, Dorazio, Hickland, Holt, Isaac, Louderback, McLaughlin, Pierson

0 nays

1 absent — Canales

SENATE VOTE: On final passage (April 9) — 30 – 0 (King absent)

WITNESSES: None (*Considered in a public hearing on May 7*)

BACKGROUND: Some have suggested that certain Texas Commission on Law Enforcement (TCOLE) positions would benefit from being placed in the Schedule C salary classification under the Position Classification Act to align their salaries with other comparable law enforcement positions and improve TCOLE's recruitment and retention.

DIGEST: SB 1321 would require the classification officer in the Office of the State Auditor to classify the position of a peace officer commissioned by TCOLE as a Schedule C position under the position classification plan for state officers and employees established under the Position Classification Act, and would require TCOLE to ensure that such peace officers were compensated accordingly.

SB 1321 also would amend the Government Code to include certain TCOLE-commissioned law enforcement officers among the state employees entitled to hazardous duty pay and the commissioned law enforcement officers or agents entitled to injury leave.

The change made by the classification officer under SB 1321 would apply beginning with the state fiscal biennium beginning September 1, 2025.

The bill would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, SB 1321 would have a negative impact of $674,020 to general revenue related funds through the biennium.

SUBJECT: Authorizing counties to commission fire officials as peace officers

COMMITTEE: Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment

VOTE: 11 ayes — Hefner, R. Lopez, Canales, Cortez, Dorazio, Hickland, Holt, Isaac, Louderback, McLaughlin, Pierson

0 nays

SENATE VOTE: On final passage (April 16) — 31 – 0

WITNESSES: For — Michelle Wigington (*Registered, but did not testify*: Joe Morris, Game Warden Peace Officers Association; James Kershaw, Harris County Deputies' Organization FOP #39; Bo Stallman, Sheriffs' Association of Texas; Bryan Flatt, Texas Municipal Police Association; Thomas Parkinson)

Against — Louis Chris Lopez, Bexar County Commissioners Court; Glenn Trubee, Texas Fire Marshals Association (*Registered, but did not testify*: Aaron Taliaferro, Director, Intergovernmental Relations, Tarrant County on behalf of Tarrant County Administration and the Tarrant County Fire Marshal's Office; Cicely Kay, Travis County Commissioners Court)

On — Greg Stevens, Texas Commission on Law Enforcement (*Registered, but did not testify*: Steven Deline)

BACKGROUND: Concerns have been raised about the need for clear statutory guidance on the role of fire marshals and related officials acting as peace officers, as well as a lack of uniform certification requirements for fire marshals in larger counties.

DIGEST: SB 2143 would require a fire marshal for a county with a population of 100,000 or more, including those appointed before the bill's effective date, to hold a head of a prevention-only fire department certification and a fire protection personnel certification issued by the Texas Commission

on Fire Protection within 12 months after being initially appointed or within 12 months after the bill takes effect.

If acting as a peace officer, the bill would require such a county fire marshal and any related officer, inspector, or investigator to hold a permanent peace officer license.

If acting under fire marshal authority to conduct or supervise arson investigations or fire inspections, such a county fire marshal or the marshal's employees would have to hold certifications required for fire inspection by the Texas Commission on Fire Protection.

SB 2143 would authorize any county to commission a fire marshal, fire officer, fire inspector, or fire investigator as a peace officer. Such a peace officer would be authorized to administer statutes governing county fire protection, support fire-related operations or investigations, enforce building-related codes, and make building safety recommendations. Such a peace officer would not be authorized to enforce violations of the rules of the road except as related to county fire protection or as authorized by the Code of Criminal Procedure.

SB 2143 would provide that a county could establish a law enforcement agency only if authorized by the state Constitution or other law for the purposes of law enforcement services provided through local government cooperation under the Local Government Code.

The bill would take effect September 1, 2025.

SUBJECT: Authorizing certain meetings to be held via telecommunication devices

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 9 ayes — C. Bell, Zwiener, Cole, Cortez, Garcia Hernandez, Luther, Rosenthal, Spiller, Tepper

0 nays

1 absent — Lowe

1 present not voting — Leo Wilson

SENATE VOTE: On final passage (April 24) — 30 – 1

WITNESSES: For — (*Registered, but did not testify*: T. J. Patterson, City of Fort Worth)

Against — None

BACKGROUND: Some have suggested that the advisory body of a public improvement district and the board of directors of a reinvestment zone should be able to hold meetings via telecommunication devices under certain circumstances in order to increase flexibility.

DIGEST: SB 2145 would authorize the advisory body of a public improvement district and the board of directors of a reinvestment zone to hold a meeting by a telecommunication device, regardless of the subject of the meeting or topics considered at the meeting.

If a member of a public improvement district advisory body or the chair or vice chair of the board of directors of a reinvestment zone was physically present at a meeting of the body or board, respectively, any number of the other members of the body or board would be authorized to attend a meeting by use of telephone conference call, video conference call, or other similar telecommunication device. A member of the advisory body or board of directors who attended a meeting via a telecommunication

device would be considered present for purposes of constituting a quorum, voting, and any other form of participation in the meeting.

If an advisory body or board held a meeting using a telecommunication device, the advisory body would be required to provide two-way audio communication between board members attending the meeting and, if the two-way audio communication link with a member was disrupted, stop the meeting until the link was reestablished.

If a tax increment reinvestment zone board held a meeting using a telecommunication device, the meeting would be subject to the notice requirements for other meetings. The board also would be required to specify in the notice the location of the meeting at which the chair or vice chair would be physically present and make the meeting open and audible to the public at this location.

The bill would take effect September 1, 2025.

SUBJECT: Exempting payment card skimmers from search warrant prohibition

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 10 ayes — Smithee, Wu, Cook, J. Jones, Little, Louderback, Money, Moody, Rodríguez Ramos, Virdell

0 nays

1 absent — Bowers

SENATE VOTE: On final passage (April 1) — 31 - 0

WITNESSES: None (*Considered in a formal meeting on April 24*)

BACKGROUND: Code of Criminal Procedure art. 18.0215(a) prohibits a peace officer from searching a person's cellphone or other wireless communications device pursuant to a lawful arrest of the person without obtaining a warrant.

Concerns have been raised that current law does not clearly define what qualifies as a "wireless communications device" for the purposes of Code of Criminal Procedure art. 18.0215(a), which may create ambiguity regarding whether devices designed for criminal activity, such as card skimmers, are subject to warrant requirements.

DIGEST: SB 1497 would specify that a skimmer or a device manufactured explicitly for the purpose of illicitly obtaining payment card information was not considered a wireless communications device for the purposes of the prohibition on a search without a warrant under Code of Criminal Procedure art. 18.0215(a).

The bill would take effect September 1, 2025.

SUBJECT: Establishing provisions related to sovereign debt transactions

COMMITTEE: Trade, Workforce & Economic Development — favorable, without amendment

VOTE: 10 ayes — Button, K. Bell, Bhojani, Harris Davila, Longoria, Lujan, Luther, Meza, Ordaz, Richardson

0 nays

1 absent — Talarico

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: None – (*considered in public hearing on April 30*)

BACKGROUND: Some have suggested that Texas should be positioned as a venue for managing sovereign debt transactions, as legal uncertainty in other jurisdictions has led creditors to consider other states.

DIGEST: SB 1239 would establish that if a security was found to be invalid under the issuer's local law, the law specified in the security's governing documents would govern the legal consequences of that invalidity, including the enforceability of the security and the purchaser's rights and remedies.

The bill also would establish that a purchaser of a security issued by a foreign state acquires all claims and demands held by the previous owner, including a claim or demand:

- for damages or rescission against the issuer or other party to such security;
- for damages against the trustee, depositary, or other party under any indenture under which such security was issued or was outstanding;
- for damages against any issuer, underwriter, trustee, depositary, guarantor, or other party to the obligations of the issuer; and

- to enforce any rights of a security holder under the terms of such security, including rights arising before the date of the transfer.

The bill would prohibit the issuer or other parties from raising the purchaser's intent to assert or litigate these claims as a defense.

The bill would provide that, unless otherwise agreed in writing, the law chosen to govern a foreign-issued security would apply retroactively to all legal matters concerning that security. It also would allow amendments to the terms of such securities, including changes to governing law, by less than unanimous consent, and these amendments would apply retroactively if made under the security's terms.

The bill would take effect September 1, 2025.

SUBJECT: Establishing an investigative polygraph certification for law enforcement

COMMITTEE: Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment

VOTE: 9 ayes — Hefner, R. Lopez, Cortez, Dorazio, Hickland, Isaac, Louderback, McLaughlin, Pierson

0 nays

2 absent — Canales, Holt

SENATE VOTE: On final passage (April 16) — 31 – 0

WITNESSES: None (*Considered in a formal meeting on May 1)*

BACKGROUND: Concerns have been raised that peace officers conducting polygraph examinations are not currently subject to standardized training or certification procedures, which could impact the reliability of results in preemployment screenings and criminal investigations.

DIGEST: SB 2180 would authorize the Texas Commission on Law Enforcement (TCOLE) to establish minimum training, testing, and certification requirements for peace officers to conduct polygraph examinations for preemployment tests for law enforcement and security-related positions that required a license or during criminal investigations. The bill would require TCOLE to adopt rules prohibiting peace officers from conducting such examinations unless they had completed an approved training course and passed an examination on investigative polygraphy.

TCOLE would be required to issue a certificate to conduct polygraph examinations to peace officers who met the requirements and adopt the necessary rules as soon as practicable after the bill's effective date.

Peace officers would not be required to comply with the certification requirements until January 1, 2027.
The bill would take effect September 1, 2025.

SUBJECT: Amending Texas Thriving Families Program requirements

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — VanDeaver, Cunningham, Frank, Olcott, Pierson, Schofield, Shofner, Simmons

1 nay — Collier

4 absent — Campos, Bucy, Johnson, J. Jones

SENATE VOTE: On final passage (April 2) — 25 - 6

WITNESSES: For — Katlyn Marburger, Brenham & Bryan Pregnancy Center; Vickie Powell, Paris Pregnancy Care Center; Amy O'Donnell and Joe Pojman, Ph.D., Texas Alliance for Life; Jennifer Allmon, Texas Catholic Conference of Bishops; Samantha Furnace and Ashley Leenerts, Texas Right To Life (*Registered, but did not testify*: John Litzler, Baptist General Convention of Texas Christian Life Commission; Nicole Malone, National Association of Social Workers - Texas Chapter)

Against — None

On — (*Registered, but did not testify*: Crystal Starkey, Health and Human Services Commission)

BACKGROUND: Some have suggested that clearer statutory language is needed to ensure that the Thriving Texas Families Program continues its pro-life mission and excludes organizations with legal connections to entities that promote abortion.

DIGEST: SB 1388 would revise provisions governing the Thriving Texas Families Program, administered by the Health and Human Services Commission (HHSC), to ensure that participating providers were not associated with abortion services providers or involved in promoting or referring patients to abortion services.

The bill would define "abortion services provider" as a person who provided abortion-related services, including a person who:

- provided abortions;
- provided or referred for abortion-inducing drugs for the purpose of terminating a pregnancy;
- facilitated or funded travel to receive an abortion or abortion-related services;
- provided information or education relating to abortion or abortion-related services; or
- conducted any other activity related to providing, recommending, or advocating for abortion-related services.

Program provider restrictions. The bill would require HHSC, in developing the statewide network of service providers for purposes of the program, to ensure that a provider remained a legally separate entity from any abortion services provider and did not:

- enter into any legal relationship with an abortion services provider;
- contract with or transfer any money, through gift or payment, to an abortion services provider or affiliate;
- share any employees or members of its governing body with an abortion services provider or affiliate;
- recommend abortion as an option for a client;
- display or use the names or trademarks of an abortion services provider in describing or naming the provider under the program.

The bill would require each network contractor and participating service provider to annually certify in writing to HHSC that it upholds the life-affirming mission of the program and was not involved in activities contradicting its objective of offering an alternative to abortion.

The bill would establish that services provided through the program would have to include assistance in identifying and applying for stable housing services, excluding housing provided through a maternity home. The bill would prohibit HHSC or a network contractor from providing abortion-related services through the network. HHSC would be required to seek comments from network providers when identifying indicators for measuring performance outcomes.

Funding restrictions. SB 1388 would prohibit HHSC and any program provider under the Thriving Texas Family Program from granting funds to an abortion services provider. The bill also would establish that certain organizations were not eligible for funding under the program if the organization:

- was a governmental or quasi-governmental entity;
- was a hospital or hospital district;
- primarily functioned as a medical, behavioral health, or mental health provider;
- shared any employees or members of its governing body with an abortion services provider;
- was affiliated with, collaborated with, or had a relationship with an organization that shared any employees or members of its governing body with an abortion services provider.

These provisions would not apply to a hospital or specified medical providers that had contracted with HHSC before September 1, 2023, for the purpose of providing an alternative to abortion, or to an organization that had subcontracted with such an organization for that purpose.

The bill would take effect September 1, 2025.

SUBJECT: Amending the definition of certain energy conservation wells

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 14 ayes — King, Hernandez, Anchía, Darby, Y. Davis, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Thompson, Turner

0 nays

1 absent — Smithee

SENATE VOTE: On final passage (April 16) — 31 - 0

WITNESSES: None (*Considered in a formal meeting on May 7*)

BACKGROUND: Concerns have been raised that geothermal energy conservation wells could be misinterpreted to be a type of battery storage resource under current law.

DIGEST: SB 1762 would amend provisions of the orphaned well reduction program to redesignate an "energy conservation well" as a "geothermal energy conservation well" and specify that such wells would not be considered battery energy storage resources. The bill also would make a conforming change to certain provisions on the evidence required for the Railroad Commission of Texas (RRC) to designate a person as the operator of a well under the program.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Requiring TCEQ to provide notice before water quality testing

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 13 ayes — Harris, Martinez, Ashby, Barry, C. Bell, Buckley, Fairly, Gámez, J. Garcia, M. González, Romero, Villalobos, Zwiener

0 nays

SENATE VOTE: On final passage (April 16) — 31 - 0

WITNESSES: For — Carrie Wilcoxson, Owner (*Registered, but did not testify*: Kenneth Flippin, Chispa Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Christine Yanas, Methodist Healthcare Ministries; Charles Maley, South Texans' Property Rights Association; Steven Deline)

Against — None

On — (*Registered, but did not testify*: Kristi Mills-Jurach, Michele Risko, TCEQ)

BACKGROUND: Some have suggested that allowing the Texas Commission on Environmental Quality (TCEQ) to provide notice of water quality testing could enhance transparency between TCEQ and public drinking water supply systems and improve the inspection process, while maintaining TCEQ's ability to conduct unannounced inspections when needed.

DIGEST: SB 1662 would allow the Texas Commission on Environmental Quality to provide notice within 24 hours in advance to a public drinking water supply system that obtained its water supply from underground sources of TCEQ's intent to perform water quality testing to investigate a complaint related to the system's water quality.

The bill would take effect September 1, 2025.

SUBJECT: Amending collection process for personal property rendition penalties

COMMITTEE: Ways & Means — favorable, without amendment

VOTE: 11 ayes — Meyer, Bernal, Button, Capriglione, Gervin-Hawkins, Muñoz, Noble, V. Perez, Troxclair, Turner, Vasut

0 nays

2 absent — Martinez Fischer, Hickland

SENATE VOTE: On final passage (April 22) — 25 - 6

WITNESSES: None (*Considered in a formal meeting on May 9*)

BACKGROUND: Tax Code sec. 22.01 requires a person to render for taxation all tangible personal property used for the production of income that the person owns or that the person manages and controls as a fiduciary on January 1 each year.

Concerns have been raised that some appraisal districts have imposed a penalty for failure to file a personal property rendition statement without taxpayers receiving a penalty notice in the mail and may prevent taxpayers from knowing about the penalty by embedding it in the "tax due" amount.

DIGEST: SB 1951 would set a deadline of June 1 for the chief appraiser to send to a taxpayer notice of a penalty for failure to timely file a rendition statement. The notice would have to be sent by certified, rather than first-class, mail and would be required, rather than allowed, to be delivered with a notice of appraised value.

The bill would require the tax bill to state the amount of tax due and the amount of the penalty due as separate line items.

The bill would remove the requirement that a collector remit 5 percent of the penalty amount collected to the appraisal district.

The bill would take effect January 1, 2026.

SUBJECT: Amending provisions for interpreter appointment in criminal proceedings

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Smithee, Wu, Cook, J. Jones, Little, Louderback, Money, Moody, Virdell

0 nays

2 absent — Bowers, Rodríguez Ramos

SENATE VOTE: On final passage (April 10) — 27 - 3

WITNESSES: None (*Considered in a public hearing on May 6*)

BACKGROUND: Government Code sec. 57.002 establishes provisions requiring a court to appoint a certified court interpreter or a certified communication access realtime translation (CART) provider in certain circumstances, and establishes provisions on a provider list and payment.

Some have suggested that clarifying interpreter qualification standards in criminal cases could help ensure consistency across courts and better protect due process rights.

DIGEST: SB 1537 would revise certain provisions of the Code of Criminal Procedure to require that an interpreter be appointed, as provided by Government Code sec. 57.002, in any criminal proceeding when a motion for appointment of an interpreter was filed by any party or on motion of the court and if the court determined that a person charged or a witness did not understand and speak English. The bill also would establish that the authorization for any person to be subpoenaed, attached, or recognized in any criminal action or proceeding to appear before the proper judge or court to act as interpreter under the same rules and penalties as were provided for witnesses was subject to Government Code sec. 57.002.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Protecting pharmacist communications with enrollees about drug costs

COMMITTEE: Insurance — committee substitute recommended

VOTE: 7 ayes — Dean, Vo, J. González, Hopper, Morgan, Spiller, Wharton

0 nays

2 absent — Goodwin, Paul

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: For — Charles Miller, Texas 2036; Lauren Corrales, Texas Pharmacy Association (*Registered, but did not testify*: Charles Cascio, AARP Texas; Samuel Sheetz, Americans for Prosperity; Christine Yanas, Methodist Healthcare Ministries; Shannon Meroney, National Association of Benefits & Insurance Professionals, Texas Chapter; Craig Holzheauser, National Association of Chain Drug Stores; Preston Poole, Texas Association of Community Health Centers; Ware Wendell, Texas Watch; Desiree Ingram and Kristen Lenau, Texas Women's Healthcare Coalition; Jorge Martinez, The LIBRE Initiative)

Against — None

On — (*Registered, but did not testify*: Rachel Bowden, TDI)

BACKGROUND: Concerns have been raised that patients may pay more in copays for generic prescriptions than if they bought the same drugs at the cash price.

DIGEST: SB 493 would prohibit a pharmacy benefit manager from prohibiting or restricting a pharmacist or pharmacy from informing an enrollee of any difference between the enrollee's out-of-pocket cost for a prescription drug under the enrollee's prescription drug benefit and the out-of-pocket cost without submitting a claim under the enrollee's prescription drug benefit. A provision in a pharmacy benefit network contract that violated the bill would be void and unenforceable.

In addition, the bill would make void and unenforceable a provision in a pharmacy benefit network contract that prohibited or restricted a pharmacist or pharmacy from communicating with plan sponsors or administrators regarding member services with respect to prescription drug benefits, pharmacy services and benefits, network access and adequacy with respect to prescription drug benefits, partnership opportunities, or prescription claim reimbursement.

The bill would take effect September 1, 2025.

SUBJECT: Prohibiting injections in practice of barbering or cosmetology

COMMITTEE: Licensing & Administrative Procedures — favorable, without amendment

VOTE: 12 ayes — Phelan, Thompson, Geren, Harless, Harris, Hernandez, Longoria, McQueeney, Patterson, M. Perez, Romero, Walle

0 nays

1 absent — Gerdes

SENATE VOTE: On final passage (March 27) — 30 – 0

WITNESSES: For — None

Against — (*Registered, but did not testify*: Sam Webb)

On — (*Registered, but did not testify*: Charlotte Melder, TDLR; Steven Deline)

BACKGROUND: Concerns have been raised regarding the authority of state agencies to regulate unauthorized injections in the practice of barbering or cosmetology.

DIGEST: SB 378 would prohibit a person performing a barbering or cosmetology service within the scope of an individual practitioner's license or student permit for barbering and cosmetology from:

- making an incision into the dermis layer of a person's skin, including for purposes of injecting a medication or other substance; or
- using a "device," defined by law as a device required under federal or state law to be ordered or prescribed by certain medical practitioners.

In a disciplinary action by the Texas Department of Licensing and Regulation related to an act in violation of the bill, the license or permit

holder would have the burden of proving by a preponderance of the evidence that the person was licensed or otherwise authorized to perform the act.

The bill would not affect the authority of another state agency regulating a profession to enforce any law related to that profession.

The bill would take effect September 1, 2025.

SUBJECT: Amending reporting related to electronic monitoring of defendant on bond

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Smithee, Wu, Cook, J. Jones, Little, Louderback, Money, Moody

0 nays

3 absent — Bowers, Rodríguez Ramos, Virdell

SENATE VOTE: On final passage (April 24) — 30 - 1

WITNESSES: For — Andy Kahan, Crime Stoppers Houston; Marnie Konrad (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Michael Bullock, Austin Police Association; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); M Paige Williams, Dallas Criminal District Attorney John Creuzot; James Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Carlos Ortiz, San Antonio Police Officers Association; Adrian Martinez, SAPOA; Bo Stallman, Sheriffs' Association of Texas; John Wilkerson, Texas Municipal Police Association (TMPA); Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Steven Deline)

BACKGROUND: Concerns have been raised that personal bond offices are not expressly required to record failures to comply with electronic monitoring requirements of defendants on community supervision, parole, or release on bail. Some have suggested that more detailed record-keeping and prompt notification of electronic monitoring requirements would improve accountability and increase public safety.

DIGEST: SB 1020 would require a personal bond pretrial release office to submit a copy of a record containing information about a person released on bond

to the attorney representing the state and the accused person's attorney and to update that record if the person violated a condition of release on bond. The bill also would add to the required information in the record a statement of whether the person had failed to comply with bond conditions by tampering with an electronic monitoring device.

Immediately after a personal bond office or an agency or officer supervising a defendant's release on bond determined there was reasonable cause to believe that a defendant had violated a condition related to an electronic monitoring device, the personal bond office, agency, or officer would be required to notify the court or magistrate with jurisdiction of the case.

The bill would exclude from the definition of "judicial work product" under certain statutory provisions on the confidentiality of judicial work products information related to a person who was required to submit to electronic monitoring of a person's location as a condition of house arrest, community supervision, parole, mandatory supervision, or release on bail.

The bill would authorize a community supervision and corrections department to release information, including electronic monitoring data and other personal information, related to the location of a person who was supervised by the department to law enforcement or the attorney representing the state for the purpose of locating the person or serving a warrant.

The bill would take effect September 1, 2025.

SUBJECT: Increasing allocation of traffic fine revenue to emergency medical services

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 23 ayes — Bonnen, M. González, Barry, DeAyala, Fairly, Garcia Hernandez, Gervin-Hawkins, Howard, V. Jones, Kitzman, J. Lopez, Lujan, Manuel, Martinez, Oliverson, Orr, Rose, Simmons, Slawson, Tepper, Villalobos, Walle, Wu

1 nay — Harrison

3 absent — Collier, Goodwin, Lozano

SENATE VOTE: On final passage (March 26) — 29 – 2

WITNESSES: None *(Considered in a formal meeting on April 24)*

BACKGROUND: Concerns have been raised that the current allocation of state traffic fine revenue may not sufficiently support designated trauma facilities and emergency medical services. Some have suggested adjusting the distribution to direct a greater share of these funds to emergency care resources.

DIGEST: SB 1018 would require the comptroller to allocate state traffic fine revenue received as follows:

- 50 percent, rather than 70 percent, to the undedicated portion of the general revenue fund; and
- 50 percent, rather than 30 percent, to the credit of the designated trauma facility and emergency medical services account in the general revenue fund of the state treasury.

The bill would make conforming changes to certain provisions on the deposit of state traffic fine revenue collected from municipal and county treasuries to the general revenue fund only until the total amount of the money that the comptroller was required to deposit to the general revenue fund under this provision equaled $250 million for that year.

The bill would take effect September 1, 2025.

SUBJECT: Providing procedure for state agency request for legal services

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 15 ayes — King, Hernandez, Anchía, Darby, Y. Davis, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Smithee, Thompson, Turner

0 nays

SENATE VOTE: On final passage (March 12) — 30 - 1

WITNESSES: None (*Considered in a formal meeting May 12*)

BACKGROUND: Government Code sec. 402.0212 requires attorney general approval in order for certain state agencies to seek outside legal counsel. Some have suggested creating a timeline and other procedures for these requests.

DIGEST: SB 992 would require the attorney general to approve or deny a contract under Government Code sec. 402.0212 within 25 days of receiving the contract from the submitting state agency. If the attorney general denied approval of the contract, the attorney general would be required to provide the agency a written explanation.

The bill would take effect September 1, 2025.

SUBJECT: Expanding nondisclosure of criminal history records for trafficked victims

COMMITTEE: Corrections — favorable, without amendment

VOTE: 8 ayes — Harless, Jones, Venton, Allen, Harrison, Lowe, Meza, Schatzline, Wharton

0 nays

1 absent — Lozano

SENATE VOTE: On final passage (March 26) — 31 - 0

WITNESSES: For — Caroline Roberts, Children at Risk; Andrea Sparks, Not On Our Watch Texas (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice and Crime Survivors for Safety and Justice; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); M Paige Williams, Dallas Criminal District Attorney John Creuzot; Justin Keener, Doug Deason; Jennifer Easley, Texas PTA; Nikki Pressley, Texas Public Policy Foundation; Steven Deline; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Carey Green, Texas Department of Criminal Justice - Community Justice Assistance Division)

BACKGROUND: Government Code sec. 411.078 establishes a process by which victims of trafficking or compelled prostitution who are placed on deferred adjudication community supervision for certain crimes may become eligible for an order of nondisclosure of criminal history by assisting in the investigation or prosecution of specific state and federal offenses. Those eligible under this section include applicable victims placed on deferred adjudication community supervision for certain misdemeanor offenses of theft, prostitution, and marijuana possession or delivery.

Concerns have been raised that the criminal records of human trafficking victims, who are often forced into crime by their traffickers, may be a

barrier to reintegrating the victims into society, gaining employment, and accessing housing and other resources.

DIGEST:

SB 958 would amend Government Code sec. 411.078 to expand the eligibility requirements for an order of nondisclosure to include otherwise qualified victims of trafficking or compelled prostitution who were placed on deferred adjudication community supervision for a misdemeanor of criminal trespass, tampering with government records, or public intoxication, and any misdemeanor under the Texas Controlled Substances Act.

The bill would take effect September 1, 2025.

SUBJECT: Amending school nurse authorization to administer medication to students

COMMITTEE: Public Education — favorable, without amendment

VOTE: 14 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Hunter, Kerwin, Leach, Leo Wilson, Schoolcraft

0 nays

1 absent — Talarico

SENATE VOTE: On final passage (April 2) — 31 - 0

WITNESSES: None (*Considered in a formal meeting on May 1*)

BACKGROUND: Education Code sec. 22.052 provides immunity for a school district or its employee when a district employee administers medication to a student under certain circumstances. Some have suggested that the law should be amended to clarify the authority of a school nurse to provide over-the-counter medications to students.

DIGEST: CSSB 920 would amend Education Code sec. 22.052 to allow a school district, charter school, or private school to adopt a policy permitting an employee, including a nurse, to administer nonprescription medication to a student without further authorization or written protocol from the student's health care provider if:

- the district or school had received a written request to administer the medication from the parent, legal guardian, or other person with legal control of the student;
- the medication was unexpired and administered from a container that appeared to be the original container and properly labeled; and
- the dose administered was consistent with the instructions on the container's label.

The bill would extend to charter and private schools and their employees the immunity provided to school districts and school district employees from civil liability for damages or injuries resulting from the

administration of medication. The bill would add that this immunity included administrative disciplinary action.

The bill also would extend to a charter or private school the authority granted by Education Code sec. 22.052 to a school district's board of trustees to allow a physician or registered nurse who provided volunteer services to administer certain medications to students. The bill would include medication currently prescribed by a student's health care provider, instead of only the student's personal physician.

The bill would amend the Nursing Practice Act, establishing Education Code sec. 22.052 as an exception to the general authority of the Texas Board of Nursing to determine whether an act constitutes the practice of professional nursing or vocational nursing.

The bill would take effect September 1, 2025.

SUBJECT: Establishing the Texas Bicentennial Commission

COMMITTEE: Culture, Recreation & Tourism — favorable, without amendment

VOTE: 9 ayes — Metcalf, Flores, Cole, DeAyala, Kerwin, Martinez Fischer, Orr, Vasut, Ward Johnson

0 nays

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: For — John Kroll, State Fair of Texas; Lacy Finley; Russell Molina; Denise Seibert (*Registered, but did not testify*: Jordan Wat, Texas 2036; Justin Yancy, Texas Business Leadership Council; Ron Hinkle, Texas Travel Alliance; Steven Deline; David Nash)

Against — None

BACKGROUND: Some have suggested that the approach of the 200th anniversary of Texas independence in 2036 could present an opportunity to reflect on and celebrate the state's storied past, diverse heritage, and continued growth through a bicentennial celebration.

DIGEST: SB 1350 would establish the Texas Bicentennial Commission and require the commission to:

- encourage and assist individuals, private organizations, and local governments to organize bicentennial celebrations;
- gather and disseminate information to the public about bicentennial events held in Texas;
- develop standards for bicentennial activities and sanction those that met the criteria;
- encourage individuals residing outside of Texas to attend and participate in bicentennial events, including by inviting national and international dignitaries;
- develop a logo for commission use and permit its use by others as deemed appropriate; and

- sanction products the commission could sell, such as calendars or flags, commemorating the bicentennial.

Commission. The commission would be composed of 23 members, including:

- nine members of the public appointed by the governor;
- three senators appointed by the lieutenant governor;
- three members of the House of Representatives appointed by the speaker of the House; and
- eight ex officio members from certain state entities.

SB 1350 would provide for staggered six-year terms for appointed commission members, with the terms of three members appointed by the governor, one member appointed by the lieutenant governor, and one member appointed by the speaker expiring on January 31 of each odd-numbered year.

The bill would require the governor, lieutenant governor, and speaker to appoint the initial members to the commission by December 1, 2025. Initial appointments would be assigned to terms ending January 31 of 2027, 2029, and 2031.

Each commission member would be a voting member. The public members appointed by the governor would have to reflect the diverse geographic regions and population groups of Texas. A commission member who was a senator or representative would vacate the member's position if the member ceased to hold the underlying position that qualified the member for service on the commission.

Presiding officer and meetings. SB 1350 would require the governor to appoint one commission member to serve as a presiding officer. The bill would require the commission to meet at least quarterly and at other times at the call of the presiding officer or as provided by commission rule. The Open Meetings Act would apply to commission meetings.

Compensation. SB 1350 would not entitle a commission member to compensation for service but would entitle a member to reimbursement for actual and necessary expenses incurred in performing commission duties, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

Executive director. SB 1350 would authorize the commission to employ an executive director to serve as the executive head of the commission and perform its administrative functions, and would authorize the executive director to employ staff necessary to administer the commission.

Commission reporting and rules. SB 1350 would require the commission, by September 1, 2037, to file a report with the governor and the Legislature containing information about the effects of the bicentennial activities conducted in Texas on the state's economy. The bill would authorize the commission to adopt rules necessary to perform its functions and to solicit and accept, on behalf of the state, gifts, grants, and donations from any source to be used by the commission to perform its duties.

Sunset provision. The commission would be abolished, and the bill would expire on September 1, 2037.

The bill would take effect September 1, 2025.