

S.B. No. 2342

1 AN ACT
2 relating to the jurisdiction of, and practices and procedures in
3 civil cases before, justice courts, county courts, statutory county
4 courts, and district courts.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 22.004, Government Code, is amended by
7 amending Subsection (h) and adding Subsection (h-1) to read as
8 follows:

9 (h) The supreme court shall adopt rules to promote the
10 prompt, efficient, and cost-effective resolution of civil actions.
11 The rules shall apply to civil actions in district courts, county
12 courts at law, and statutory probate courts in which the amount in
13 controversy, inclusive of all claims for damages of any kind,
14 whether actual or exemplary, a penalty, attorney's fees, expenses,
15 costs, interest, or any other type of damage of any kind, does not
16 exceed \$100,000. The rules shall address the need for lowering
17 discovery costs in these actions and the procedure for ensuring
18 that these actions will be expedited in the civil justice system.
19 The supreme court may not adopt rules under this subsection that
20 conflict with other statutory law [~~a provision of:~~

21 [~~(1) Chapter 74, Civil Practice and Remedies Code,~~

22 [~~(2) the Family Code,~~

23 [~~(3) the Property Code, or~~

24 [~~(4) the Tax Code].~~

1 (h-1) In addition to the rules adopted under Subsection (h),
2 the supreme court shall adopt rules to promote the prompt,
3 efficient, and cost-effective resolution of civil actions filed in
4 county courts at law in which the amount in controversy does not
5 exceed \$250,000. The rules shall balance the need for lowering
6 discovery costs in these actions against the complexity of and
7 discovery needs in these actions. The supreme court may not adopt
8 rules under this subsection that conflict with other statutory law.

9 SECTION 2. Section 25.0003(c), Government Code, is amended
10 to read as follows:

11 (c) In addition to other jurisdiction provided by law, a
12 statutory county court exercising civil jurisdiction concurrent
13 with the constitutional jurisdiction of the county court has
14 concurrent jurisdiction with the district court in:

15 (1) civil cases in which the matter in controversy
16 exceeds \$500 but does not exceed \$250,000 [~~\$200,000~~], excluding
17 interest, statutory or punitive damages and penalties, and
18 attorney's fees and costs, as alleged on the face of the petition;
19 and

20 (2) appeals of final rulings and decisions of the
21 division of workers' compensation of the Texas Department of
22 Insurance regarding workers' compensation claims, regardless of
23 the amount in controversy.

24 SECTION 3. Section 25.0007, Government Code, is amended by
25 amending Subsection (b) and adding Subsection (c) to read as
26 follows:

27 (b) Practice in a statutory county court is that prescribed

1 by law for county courts, except that practice, procedure, rules of
2 evidence, issuance of process and writs, the drawing of jury
3 panels, the selection of jurors, and all other matters pertaining
4 to the conduct of trials and hearings in the statutory county
5 courts[~~, other than the number of jurors,~~] that involve those
6 matters of concurrent jurisdiction with district courts are
7 governed by the laws and rules pertaining to the district courts in
8 the county in which the statutory county court is located. This
9 section does not affect local rules of administration adopted under
10 Section 74.093.

11 (c) In a civil case pending in a statutory county court in
12 which the matter in controversy exceeds \$250,000, the jury shall be
13 composed of 12 members unless all of the parties agree to a jury
14 composed of a lesser number of jurors.

15 SECTION 4. Section 25.0052(a), Government Code, as amended
16 by Chapters 614 (S.B. 1428) and 746 (H.B. 66), Acts of the 72nd
17 Legislature, Regular Session, 1991, is reenacted and amended to
18 read as follows:

19 (a) In addition to the jurisdiction provided by Section
20 25.0003 and other law, a county court at law in Angelina County has:

21 (1) concurrent with the county court, the probate
22 jurisdiction provided by general law for county courts; and

23 (2) concurrent jurisdiction with the district court
24 in[+]

25 [~~(A) civil cases in which the matter in~~
26 ~~controversy exceeds \$500 but does not exceed \$50,000, excluding~~
27 ~~interest, and~~

AN ACT

relating to the operation and administration of and practice in and grants provided by courts in the judicial branch of state government; increasing and imposing fees; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. DISTRICT COURTS

SECTION 1.01. Section 24.104(b), Government Code, is amended to read as follows:

(b) The terms of the 4th District Court begin on the first Mondays in January and ~~[, March, May,]~~ July ~~[, September, and November]~~.

SECTION 1.02. (a) The heading to Section 24.124, Government Code, is amended to read as follows:

Sec. 24.124. 23RD JUDICIAL DISTRICT (~~[BRAZORIA,~~ MATAGORDA~~]~~ AND WHARTON COUNTIES).

(b) Sections 24.124(a) and (b), Government Code, are amended to read as follows:

(a) The 23rd Judicial District is composed of ~~[Brazoria,~~ Matagorda~~]~~ and Wharton counties.

(b) The terms of the 23rd District Court begin:

(1) ~~[in Brazoria County on the first Mondays in April and October, and the terms are designated the April-September and October-March terms,~~

1 house of representatives, and the chairs of the standing committees
2 of the senate and house of representatives with jurisdiction over
3 the judicial system.

4 ARTICLE 10. ELECTRONIC PUBLICATION, SERVICE, AND DISPLAY OF LEGAL
5 DOCUMENTS

6 SECTION 10.01. Sections 9.160(a), (b), and (c), Business
7 Organizations Code, are amended to read as follows:

8 (a) Except as provided by Section 17.032, Civil Practice and
9 Remedies Code, if [~~if~~] process in an action under this subchapter is
10 returned not found, the attorney general shall publish notice on
11 the public information Internet website maintained as required by
12 Section 72.034, Government Code, and in a newspaper in the county in
13 which the registered office of the foreign filing entity in this
14 state is located. The notice must contain:

- 15 (1) a statement of the pendency of the action;
16 (2) the title of the court;
17 (3) the title of the action; and
18 (4) the earliest date on which default judgment may be
19 entered by the court.

20 (b) Notice under this section must be published on the
21 public information Internet website for at least two consecutive
22 weeks and in a newspaper at least once a week for two consecutive
23 weeks. Notice may be published [~~beginning~~] at any time after the
24 citation has been returned.

25 (c) The attorney general may include in a one [~~one~~] published
26 notice the name of each foreign filing entity against which an
27 action for involuntary revocation is pending in the same court.

1 SECTION 10.02. Sections 11.310(a) and (b), Business
2 Organizations Code, are amended to read as follows:

3 (a) Except as provided by Section 17.032, Civil Practice and
4 Remedies Code, if [~~If~~] process in an action under this subchapter is
5 returned not found, the attorney general shall publish notice on
6 the public information Internet website maintained as required by
7 Section 72.034, Government Code, and in a newspaper in the county in
8 which the registered office of the filing entity in this state is
9 located. The notice must contain:

- 10 (1) a statement of the pendency of the action;
11 (2) the title of the court;
12 (3) the title of the action; and
13 (4) the earliest date on which default judgment may be
14 entered by the court.

15 (b) Notice under this section must be published on the
16 public information Internet website for at least two consecutive
17 weeks and in a newspaper at least once a week for two consecutive
18 weeks. Notice may be published [~~beginning~~] at any time after the
19 citation has been returned.

20 SECTION 10.03. Subchapter B, Chapter 17, Civil Practice and
21 Remedies Code, is amended by adding Section 17.032 to read as
22 follows:

23 Sec. 17.032. CITATION BY PUBLICATION.

24 (a) Notwithstanding any statute or rule requiring a person to
25 publish citation or notice on the public information Internet
26 website maintained as required by Section 72.034, Government Code,
27 and in a newspaper of general circulation, the person may publish

1 the citation or notice only on the public information Internet
2 website if:

3 (1) the person files a statement of inability to
4 afford payment of court costs under the Texas Rules of Civil
5 Procedure;

6 (2) the total cost of the required publication exceeds
7 the greater of \$200 each week or the amount set by the supreme court
8 under Subsection (b); or

9 (3) the county in which the publication of the
10 citation or notice is required does not have any newspaper
11 published, printed, or generally circulated in the county.

12 (b) The supreme court shall adjust for inflation the maximum
13 amount of publication costs established in Subsection (a)(2).

14 SECTION 10.04. (a) Subchapter B, Chapter 17, Civil
15 Practice and Remedies Code, is amended by adding Section 17.033 to
16 read as follows:

17 Sec. 17.033. SUBSTITUTED SERVICE THROUGH SOCIAL MEDIA
18 PRESENCE. (a) If substituted service of citation is authorized
19 under the Texas Rules of Civil Procedure, the court, in accordance
20 with the rules adopted by the supreme court under Subsection (b),
21 may prescribe as a method of service an electronic communication
22 sent to the defendant through a social media presence.

23 (b) The supreme court shall adopt rules to provide for the
24 substituted service of citation by an electronic communication sent
25 to a defendant through a social media presence.

26 (b) The Texas Supreme Court shall adopt rules under Section
27 17.033, Civil Practice and Remedies Code, as added by this section,

1 not later than December 31, 2020.

2 (c) Section 17.033, Civil Practice and Remedies Code, as
3 added by this section, applies only to an action commenced on or
4 after the effective date of the rules adopted by the Supreme Court
5 of Texas under that section.

6 SECTION 10.05. Sections 51.054(a) and (b), Estates Code,
7 are amended to read as follows:

8 (a) Except as provided by Section 17.032, Civil Practice and
9 Remedies Code, citation [Citation] or notice to a person to be
10 served by publication shall be published one time on the public
11 information Internet website maintained as required by Section
12 72.034, Government Code, and in a newspaper of general circulation
13 in the county in which the proceeding is pending. The publication
14 must be made at least 10 days before the return day of the service,
15 excluding the date of publication.

16 (b) The date of service of citation or notice by publication
17 is the earlier of:

18 (1) the date the citation or notice is published on the
19 public information Internet website under Subsection (a); or

20 (2) the date of publication printed on the newspaper
21 in which the citation or notice is published.

22 SECTION 10.06. Section 51.103(b), Estates Code, is amended
23 to read as follows:

24 (b) Proof of service consists of:

25 (1) if the service is made by a sheriff or constable,
26 the return of service;

27 (2) if the service is made by a private person, the

1 person's affidavit;

2 (3) if the service is made by mail:

3 (A) the certificate of the county clerk making
4 the service, or the affidavit of the personal representative or
5 other person making the service, stating that the citation or
6 notice was mailed and the date of the mailing; and

7 (B) the return receipt attached to the
8 certificate or affidavit, as applicable, if the mailing was by
9 registered or certified mail and a receipt has been returned; and

10 (4) if the service is made by publication:

11 (A) an affidavit:

12 (i) made by the Office of Court
13 Administration of the Texas Judicial System or an employee of the
14 office;

15 (ii) that contains or to which is attached a
16 copy of the published citation or notice; and

17 (iii) that states the date of publication
18 on the public information Internet website maintained as required
19 by Section 72.034, Government Code; and

20 (B) [7] an affidavit:

21 (i) [~~A~~] made by the publisher of the
22 newspaper in which the citation or notice was published or an
23 employee of the publisher;

24 (ii) [~~B~~] that contains or to which is
25 attached a copy of the published citation or notice; and

26 (iii) [~~C~~] that states the date of
27 publication printed on the newspaper in which the citation or

1 notice was published.

2 SECTION 10.07. Sections 1051.054(a) and (b), Estates Code,
3 are amended to read as follows:

4 (a) Except as provided by Section 17.032, Civil Practice and
5 Remedies Code, citation [Citation] or notice to a person to be
6 served by publication shall be published one time on the public
7 information Internet website maintained as required by Section
8 72.034, Government Code, and in a newspaper of general circulation
9 in the county in which the proceeding is pending. The publication
10 must be made at least 10 days before the return day of the citation
11 or notice, excluding the date of publication.

12 (b) The date of service of citation or notice by publication
13 is the earlier of:

14 (1) the date the citation or notice is published on the
15 public information Internet website under Subsection (a); or

16 (2) the date of publication printed on the newspaper
17 in which the citation or notice is published.

18 SECTION 10.08. Section 1051.153(b), Estates Code, is
19 amended to read as follows:

20 (b) Proof of service consists of:

21 (1) if the service is made by a sheriff or constable,
22 the return of service;

23 (2) if the service is made by a private person, the
24 person's affidavit;

25 (3) if the service is made by mail:

26 (A) the certificate of the county clerk making
27 the service, or the affidavit of the guardian or other person making

1 the service that states that the citation or notice was mailed and
2 the date of the mailing; and

3 (B) the return receipt attached to the
4 certificate, if the mailing was by registered or certified mail and
5 a receipt has been returned; and

6 (4) if the service is made by publication:

7 (A) an affidavit that:

8 (i) is made by the Office of Court
9 Administration of the Texas Judicial System or an employee of the
10 office;

11 (ii) contains or to which is attached a copy
12 of the published citation or notice; and

13 (iii) states the date of publication on the
14 public information Internet website maintained as required by
15 Section 72.034, Government Code; and

16 (B) [~~A~~] an affidavit that:

17 (i) [~~A~~] is made by the publisher of the
18 newspaper in which the citation or notice was published or an
19 employee of the publisher;

20 (ii) [~~B~~] contains or to which is attached
21 a copy of the published citation or notice; and

22 (iii) [~~C~~] states the date of publication
23 printed on the newspaper in which the citation or notice was
24 published.

25 SECTION 10.09. Section 3.305, Family Code, is amended to
26 read as follows:

27 Sec. 3.305. CITATION BY PUBLICATION. (a) Except as

1 provided by Section 17.032, Civil Practice and Remedies Code, if
2 ~~[If]~~ the residence of the respondent, other than a respondent
3 reported to be a prisoner of war or missing on public service, is
4 unknown, citation shall be published on the public information
5 Internet website maintained as required by Section 72.034,
6 Government Code, and in a newspaper of general circulation
7 published in the county in which the petition was filed. ~~[If that~~
8 ~~county has no newspaper of general circulation, citation shall be~~
9 ~~published in a newspaper of general circulation in an adjacent~~
10 ~~county or in the nearest county in which a newspaper of general~~
11 ~~circulation is published.]~~

12 (b) The notice shall be published on the public information
13 Internet website for at least two consecutive weeks before the
14 hearing and in a newspaper once a week for two consecutive weeks
15 before the hearing. Neither~~[, but the first]~~ notice may ~~[not]~~ be
16 initially published after the 20th day before the date set for the
17 hearing.

18 SECTION 10.10. Sections 102.010(a), (b), and (e), Family
19 Code, are amended to read as follows:

20 (a) Except as provided by Section 17.032, Civil Practice and
21 Remedies Code, citation ~~[Citation]~~ may be served ~~[by publication as~~
22 ~~in other civil cases]~~ to persons entitled to service of citation who
23 cannot be notified by personal service or registered or certified
24 mail and to persons whose names are unknown by publication on the
25 public information Internet website maintained as required by
26 Section 72.034, Government Code, and in a newspaper of general
27 circulation published in the county in which the petition was

1 filed.

2 (b) Citation by publication shall be published not later
3 than the 20th day before the date set for the hearing [~~one time~~].
4 [~~If the name of a person entitled to service of citation is unknown,~~
5 ~~the notice to be published shall be addressed to "All Whom It May~~
6 ~~Concern."~~] One or more causes to be heard on a certain day may be
7 included in one notice and hearings may be continued from time to
8 time without further notice.

9 (e) In a suit filed under Chapter 161 or 262 in which the
10 last name of the respondent is unknown, the court may order
11 substituted service of citation by publication, including
12 publication by posting the citation at the courthouse door for a
13 specified time, if the court finds and states in its order that the
14 method of substituted service is as likely as citation by
15 publication on the public information Internet website maintained
16 as required by Section 72.034, Government Code, or in a newspaper in
17 the manner described by Subsection (b) to give the respondent
18 actual notice of the suit. If the court orders that citation by
19 publication shall be completed by posting the citation at the
20 courthouse door for a specified time, service must be completed on,
21 and the answer date is computed from, the expiration date of the
22 posting period. If the court orders another method of substituted
23 service of citation by publication, service shall be completed as
24 directed by the court.

25 SECTION 10.11. Effective September 1, 2019, Subchapter D,
26 Chapter 51, Government Code, is amended by adding Section 51.3032
27 to read as follows: