

Texas Association  
for  
Court Administration  
Legislative Update 85<sup>th</sup> R.S.

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# Texas Judicial Council Resolutions

- Judicial Council asked for legislative proposals from numerous entities in summer of 2016.
- The Council passed 14 resolutions in October 2016 urging the Legislature to make changes to bail and pretrial practices, mental health, court security, court costs and fines and other matters important to the judiciary.



# Texas Judicial Council Legislation

- SB 42- Judge Julie Kocurek Judicial and Courthouse Security Act of 2017
  - Establish Director of Security and Emergency Preparedness at OCA;
  - Requires municipal judges and local administrative judges to establish court security committees;
  - Certification of court security personnel;
  - Amend statutes impacting judges' personal security and privacy; and
  - Provide resources to DPS for personal security for judges, if necessary.



Gov. Abbott signs SB 42 into law May 27, 2017.

# Texas Judicial Council Legislation

- SB 667 – Guardianship Compliance Project Expansion
  - Expands pilot program statewide.
  - Requires Guardianship Compliance Specialists to provide additional resources to courts handling guardianship cases:
    - Review guardianship cases to identify reporting deficiencies by the guardian.
    - Audit annual accountings and report findings back to the court.
    - Work with courts to develop best practices in managing guardianship cases.



# Texas Judicial Council Legislation

- SB 1096 – Guardianship Registry
  - Authorizes the creation of a statewide guardianship registry available for query by law enforcement; and
  - Requires the Supreme Court to adopt rules requiring prospective guardians other than attorneys, corporate fiduciaries, and certified guardians, to receive training and undergo a criminal history background check in order to be appointed guardian.
- SB 36 – Regulation of Guardianship Programs
  - Expands Judicial Branch Certification Commission’s authority to regulate guardianship programs.
  - OCA anticipates less than 30 programs will be registered with the commission.



# Texas Judicial Council Legislation

- HB 351/ SB 1913 – Increasing Compliance with Court Costs, Fines and Fees
  - Several statutory changes to improve the assessment and collection of criminal court costs including:
    - Requires judges handling cases in open court to inquire about a defendant’s ability to pay when imposing the sentence and to use existing tools of installment plans, community service, full or partial waiver, or any combination of those, if a defendant has an inability to pay in full;
    - Expands community service options a judge may impose;
    - Increases the minimum amount of credit for jail or community service from \$50 to \$100 for each day; and
    - Prohibits the posting of a monetary bail in a fine-only offense unless the defendant fails to appear and the judge finds that the defendant has the ability to post bail.
  - \*\*See handout for additional information on these bills.



# Texas Judicial Council Legislation

- SB 1326 – Mental Health
  - Revises the process of gathering and assessing information about an arrestee who may have a mental illness in the magistration process;
  - Streamlines the competency restoration process; and
  - Allows counties to establish jail-based competency restoration programs.
- SB 292 – Jail Diversion Grant Programs
  - Grant program for the purpose of reducing recidivism, arrest, and incarceration of individuals with mental illness.
  - Matching funds:
    - 50 percent of the grant amount for county with a population of less than 250,000
    - 100 percent of the grant amount for county with a population of 250,000 or more.



# Texas Judicial Council Legislation

- HB 34 – Timothy Cole Exoneration Review Commission
  - Electronically record interrogations in felony cases;
  - Regulations on jailhouse informant testimony;
  - Improve procedures and training associated with eyewitness identification; and
  - Crime scene investigation study by Texas Forensic Science Commission.





# Judicial Council Legislation

- SB 1329 – Oaths of Office
  - Requires oaths of office and anti-bribery statements for state officials appointed by the Supreme Court, Court of Criminal Appeals or State Bar of Texas, as well as associate judges appointed for the Children’s Courts be filed with the Secretary of State.



# Court Operations

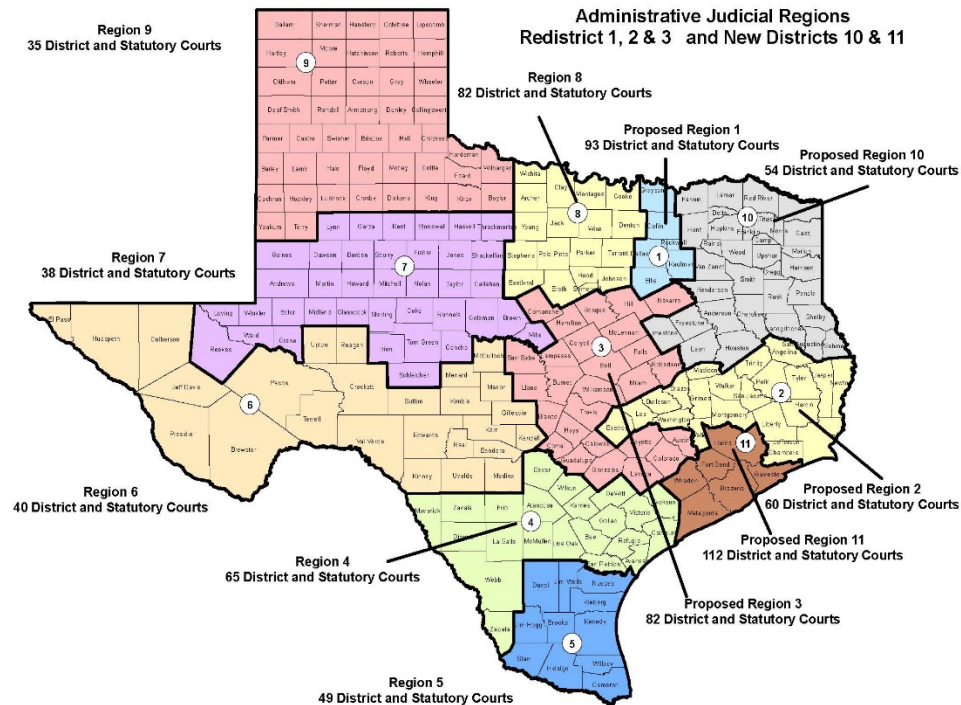


# New Courts

- SB 1329 – Omnibus Courts Bill
  - 453<sup>rd</sup> District Court in Hays County
  - 458<sup>th</sup> District Court in Fort Bend County
  - 459<sup>th</sup> District Court in Travis County – preference to Civil
  - 460<sup>th</sup> District Court in Travis County – preference to Criminal
  - 462<sup>nd</sup> District Court in Denton County
  - 464<sup>th</sup> District Court in Hidalgo County
  - CCAL No. 6 in Fort Bend County
  - CCAL in Grimes County
  - CCAL No. 3 in Hays County



# New Administrative Judicial Regions



- SB 1893 – Increases regions from 9 to 11.



# Court Operations

- HB 1507 – New forms
  - Requires OCA to adopt a standardized form for courts to use in discharging a defendant after successful completion of the conditions of community supervision.
- HB 3167 – Fewer Collections Programs
  - Increases the population threshold for counties required to have a local collection improvement program from 50,000 to 100,000.
- SB 1124 – Forensic Science Commission attached to OCA
  - Transfers the administrative attachment of the Texas Forensic Science Commission from Sam Houston State University to OCA.



# Court Operations

- HB 214 – CCA Recordings
  - Requires the CCA to record audio and video of proceedings and publish on its Website.
- SB 1911 – Self Help Resources
  - Requires OCA, with assistance from the Texas Access to Justice Commission, to designate a self-help website with information regarding lawyer referral services, references or links to Legal Aid offices, legal self-help centers, and the State Law Library.



# Court Operations

- HB 45 – Foreign Law Rules
  - Requires the Supreme Court to promulgate rules of evidence and procedure regarding the enforceability of certain foreign judgments and awards, and to provide judicial instruction addressing issues related to foreign law, foreign judgments, and foreign arbitration awards.
- HB 3391 – Specialty Court for Public Safety Employees
  - Creates a specialty court, similar to a veterans court, for public safety employees such as peace officers, firefighters, detention officers, county jailers or EMS service employees who have been charged with a criminal offense due to job-related PTSD or other work-related mental health issue.



# Court Operations

- SB 527 – Defendant Payment for Appointed Counsel
  - Permits a court to require a defendant who was appointed counsel to repay the cost of legal services during the defendant’s sentence if the defendant becomes financially able to do so after giving notice and an opportunity for the defendant to provide relevant financial information to the court.





# Court Operations

- SB 1233/HB 1480 – Expands the mandamus jurisdiction of the courts of appeals to allow the issuance of a writ against a judge of a statutory county court, a statutory probate court, or an associate judge of a district or county court appointed by a judge under Chapter 201 of the Family Code



# Elections

- HB 25 – Elimination of Straight Party Voting
  - Eliminates straight party voting for all races (including judicial races.)  
Effective Sept. 1, 2020.
- SB 44 – Petitions Accompanying Applications for Election Ballots
  - Requires candidates for appellate justice, district judge, statutory county judge and justice of the peace in counties with a population over 1.5 million to get 250 signatures.
  - Requires candidates for the Supreme Court or Court of Criminal Appeals to get 50 signatures.



The Texas Judicial Council/ Office of Court Administration Legislative Update is available at [www.txcourts.gov](http://www.txcourts.gov)

