



DIRECTOR'S REPORT

September 2018



Texas Judicial Council

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TECHNOLOGY & DATA

JUDICIAL ACCESS TO COURT RECORDS (RE:SEARCHTX)



As part of the eFiling contract, Tyler Technologies is contracted to provide document access (called Re:SearchTX).

The tool is in use by Texas judges, clerks and attorneys on the case. It allows users to filter eFiled documents down by county, court, case, party or a combination of those criteria. As of June 15th, there were more than 200 Judges, 280 Clerks and 850 attorneys registered to use the system.

Clerks can now manually perform functions such as replacing documents, securing documents and expunging cases. Tyler is testing the mechanism to allow clerks to integrate with Re:SearchTX to perform these functions via their case management system.

The Judicial Committee on Information Technology, working with clerks, judges and attorneys has adopted and submitted recommendations to the Supreme Court to expand the system to attorneys not on a case as well as the general registered user community.

OCA's Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the two high courts, the 14 intermediate appellate courts and six judicial branch state agencies – more than 900 users. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

CRIMINAL E-FILING

Last summer, the Court of Criminal Appeals ordered that criminal eFiling be mandatory for attorneys in district and county courts following a similar schedule to the Supreme Court's mandate for civil cases. Criminal eFiling is currently mandatory in counties with a population over 100,000. The next group of counties to go mandatory, counties over 50,000 is on January 1, 2019. All but two of the counties in this group are already allowing criminal eFiling on a permissive basis.

In addition to the 39 counties where criminal eFiling is mandatory, more than 100 additional counties are currently on the criminal eFiling system in a permissive state. This allows clerks to adjust their business processes to an electronic environment, including implementing any lessons learned from the civil implementation.

PRE-TRIAL RISK ASSESSMENT TOOL

OCA is working with a small group of stakeholders to implement a pre-trial risk assessment tool for judges. The tool has been developed and is being tested by internal staff and a small group of external stakeholders. OCA is currently recruiting jurisdictions to conduct a real-world pilot with the tool.

PRICE OF JUSTICE GRANT

Texas was one of five states awarded grant money to increase the amount of information that a judge sees when determining a person's ability to pay fines and fees assessed. OCA has assembled a User Group comprised of members from the Project's Advisory Board as well as other volunteers from the Judicial community. This group has a standing monthly meeting to discuss and validate requirements. The project is currently in its third three-week sprint and is in the process of developing a working prototype to demonstrate the proposed functionality for the defendant data input screens.

GUARDIANSHIP COMPLIANCE TOOL

The Guardianship Compliance Tool began accepting information for registered guardians on the first of June. OCA is continuing the development of the online system with input from the compliance auditors.

OCA released a webservice to DPS for testing of the integration between TLETs and OCA's Guardianship registry. This allows law enforcement to query the registry and receive contact information for the person's guardian.

OTHER INFORMATION SERVICES PROJECTS

Court of Appeals PC Refresh – OCA Information Services, working with the supported staff and Agencies has completed the deployment of equipment to the appellate courts. This included an upgrade to Adobe Acrobat Pro DC, Office 2016 and Windows 10.

County PCs – With the completion of the refresh project, OCA has saved many of the machines and have refurbished them back to their factory settings and made them ready for local courts to have at no cost to the court. So far, OCA have given away more than 25 PCs to counties and municipalities. Additional equipment is still available for courts at no cost.

RPDO Upgrades – OCA engaged a third-party vendor to help resolve issues that were uncovered due to previous user configurations and business processes. OCA worked with the Regional Public Defender for Capital Cases (RPDO) to complete the migration of the case file OneNote notebooks to a SharePoint library in O365. OCA is process of working with the same vendor to migrate the remaining files from Lubbock County owned equipment to an online file share managed by OCA.

COURT SERVICES

The Court Services Section includes the agency's consulting, language access, research, collection improvement technical support, and grant-funded programs. Since the last Judicial Council meeting:

- Texas Court Remote Interpreter Service staff provided interpreting services in 129 hearings in 22 counties;
- The Domestic Violence Training Attorney trained a total of 220 people at four training events;
- Work continued on reports required by [HB 1204](#), [SB 47](#), and [SB 1326](#) from the 85th Legislature;
- Work continued on the Judicial Council's [Centers of Excellence](#) program, which assists courts in assessing and improving their performance and compliance with select reporting and other requirements relating to the administration of justice;
- Technical assistance to judges and collection program staff continued to be provided throughout the state; and
- Court Services staff continued to collaborate with OCA's Information Services Division on the [Pretrial Risk Assessment Information System](#) (PRAISTX) and the U.S. Department of Justice funded "Price of Justice" project dealing with court collections and related compliance practices. Texas is one of five states to have received a federal grant to address these issues and is doing so through the development of an online ability to pay tool and related tools which will assist courts in connecting defendants with a legal financial obligation with a non-monetary alternative to satisfying it.

COURT SECURITY

SB 42 (Zaffirini / Smithee) from the 85th Legislature established a Court Security Division at OCA and provided for the hiring of a Court Security Director. Known as the “Judge Julie Kocurek Judicial and Courthouse Security Act of 2017,” the Act is designed to improve the security of judges at all levels, both in their courthouses and at their homes.

Specifically, the bill:

- Provides for the suppression of the residence address of a judge and judge’s spouse in records maintained by the Texas Ethics Commission, a county registrar, and a county appraisal district. The law also allows a judge and judge’s spouse to replace their home address on their driver’s license with the address of the courthouse in which the judge serves;
- Requires county clerks, upon the written request of a judge, to omit or redact personal information from an online database that is made public;
- Requires that a courthouse security committee be established by the presiding judge of a municipality or the local administrative district judge in each county, respectively;
- Establishes a \$5.00 filing fee on any civil action or proceeding requiring a filing fee to generate revenue to support judicial and court personnel training;
- Transfers responsibility for reporting security incidents to OCA from the local administrative judge to the law enforcement official responsible for providing court security;
- Requires any person providing security to hold a court security certification issued by a training program approved by the Texas Commission on Law Enforcement; and
- Authorizes any commissioned peace officer in the state to provide personal security to a judge, regardless of the location of the law enforcement agency that employs or commissions the peace officer.

The purpose of the Court Security Division is to:

- Support the establishment of court security committees through training and technical assistance;
- Assist courts with conducting and reviewing security and emergency preparedness assessments and developing improvement plans;
- Support the implementation of privacy protections for judges by facilitating the restriction of public access to the residence address of a judge or judge's spouse; and
- Serve as a clearinghouse of information regarding judicial and court security best practices.

Hector Gomez, OCA’s first-ever Court Security Director, started work in December 2017. Since assuming the position, Mr. Gomez has:

- Collaborated with all judicial training entities to ensure that training about the bill is provided for;
- Provided training at organized training events and participated in meetings of local courthouse security committees;
- Provided individualized outreach regarding court and personal security issues to judges from around the state;
- Conducted security assessments in several jurisdictions; and
- Collaborated with Court Services staff on creating and maintaining a court security [webpage](#) on OCA’s website and in conducting outreach to judges regarding the bill’s privacy

The focus of the Court Security Division during the period has been to continue to raise awareness about the new law. This effort relies on partnerships with the various judicial training centers and other entities with a role to play on advancing courthouse security.

OCA continues to reach out to active and retired judges to inform them of the privacy protections available to them under the new law. To date, nearly 1,000 judges have taken advantage of the privacy protections available.

Incident reporting continues to improve as law enforcement agencies are becoming aware of the reporting mandate. An example of the impact of these efforts is an increase in the number of incident reports filed – 373 in FY18, compared to 118 in FY17. This is an increase of 216%.

OCA continues to assist with courthouse assessments to address vulnerabilities, provide recommendations, and promote the adoption of security-related best practices to address security issues impacting judges, courthouse employees, and the public. The Court Security Division has conducted several courthouse security assessments and OCA expects that the demand for these evaluations will increase. In addition, Courthouse Security Committees are being established throughout the state and the Court Security Division has provided several counties with recommendations in this area.

The judicial threat environment in Texas is a dynamic one that requires a high level of engagement. The Court Security Division is engaged with local and state law enforcement entities and fusion centers, developing countermeasures to respond to perceived or imminent threats to address conditions as they arise and to explore new opportunities for partnership.

JUDICIAL INFORMATION

OCA's Judicial Information Section is the repository for an array of information regarding courts in Texas. The section collects and maintains information from courts at all levels, analyzes court data, and produces comprehensive reports regarding the state's courts and the officials who work in them. A significant portion of Judicial Information staff time is devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues for ensuring data quality and reliability.

During the last period, Judicial Information was involved in the following activities:

- Presented on reporting requirements at:
 - the Texas College of Probate Judges conference; and
 - the Texas Municipal Courts Education Center's seminar for new clerks.
- Supported the work of the Judicial Council's [Data Committee](#).
- Began work on the 2018 Annual Statistical Report.

The Judicial Information Program collects, reports and analyzes court activity statistics, judicial directory information, and other information from the approximately 2,700 courts in the state; produces the Annual Statistical Report for the Texas Judiciary, the Texas Judicial System Directory, and other publications; and provides statistical and other information about the judicial branch to the legislature, state and federal agencies, local governments, private associations and public interest groups, and others. More than 450,000 statistical and other reports were received in FY2017.



COLLECTION IMPROVEMENT PROGRAM AUDIT

AUDIT FISCAL YEAR 2018 REVIEW

AUDIT PLATFORM CHANGE

In Fiscal Year 2018 a major change occurred in the way the Collection Improvement Program (CIP) was to be audited. The resolution made by the OCA was to conduct the CIP audits under a compliance audit platform that follows the Generally Accepted Government Audit Standards (GAGAS). This was an acute change from the initial audit process executed that followed the Agreed Upon Procedures format of the American Institute of Certified Public Accountants (AICPA) auditing standards. A significant amount of time was allocated by the audit staff to adapt the audit process, work papers, and audit steps procedures in TeamMate to meet GAGAS standards, and the Compliance Review Standards in [Sec. 175.5 of the Texas Administrative Code \(TAC\)](#). The CIP review process can now be acknowledged to be a compliance audit process conducted following the GAGAS auditing standards.

CIP AMENDED RULES

The audit staff developed policies and procedures, work papers, and improved audit program practices to reflect CIP [Amended Rules](#) that went into effect January 1, 2017. The audit section also completed a compliance pilot test on the application of the new rules in a county with several collection programs.

DATA VERIFICATION AUDIT PROGRAM MODEL

A significant amount of time was also spent solidifying the appropriate data components to be included in the new Data Verification audit, and in the development of the audit process and work papers to meet the legislative directive in [Article 103.0033\(j\)](#) of the Code of Criminal Procedure. In the June 2017 Director's [Report](#) to the Judicial Council, the report initially identified the annual reporting requirements listed in Sec. 175.4(c)(1), in addition to the Total Dollars Assessed and Total Dollars Collected on court costs, fees, and fines listed in Sec. 175.4(c)(2)(C) and (D) as the data components to include in the audit assessment process. However, based on the complexity of the data to be tested, and in concert with the Judicial Council's Data Committee recommendation that the OCA review all OCA reporting requirements for relevance to its intended purpose, the OCA recommended to the Judicial Council the repeal of the annual reporting requirements listed in Sec. 175.4(c)(1). The motion to repeal the reporting requirements in Sec. 175.4(c)(1) was carried in the Council meeting on February 23, 2018. As result, the audit section shifted gears to develop a Data Verification audit process to test the accuracy of the Total Dollars Assessed and Total Dollars Collected on court costs, fees, and fines reported to the OCA as required in Sec. 175.4(c)(2)(C) and (D). The audit section developed a Data Verification audit process to test the accuracy on these elements reported and plans to formalize the model by year end. The audit section completed a pilot test using verification model.

COLLECTION IMPROVEMENT PROGRAM AUDITS

Since the inception of the CIP Audit department at the OCA in 2012, CIP Audit has issued 67 Compliance Audit reports, of which ten were follow-up audits.

- 17- Municipalities, 2 were follow-up audits
- 50- County jurisdictions, 8 were follow-up audits

In FY2018, four Compliance Audit reports were issued - two were residual FY2016 projects and two were 2018 projects. One report was for an initial audit performed that acknowledged compliance with TAC prior to revision of TAC rules that went into effect January 1, 2017. One report was for a follow-up audit that revealed a second occurrence of non-compliance with old TAC rules. One report was a pilot test report that acknowledged compliance with implementation of the new TAC rules. One report was for an initial audit performed under the new TAC rules and acknowledged compliance with the new rules.

- 1- Passed the initial audit based on old TAC rules
- 1- Failed the follow-up audit based on old TAC rules
- 1- New rules pilot test audit
- 1- New rules initial audit

RATE REVIEWS

Since 2012, CIP Audit completed and issued 53 Rate Review reports.

- 13- Pre-Implementation Rate Reviews
- 40- Post-Implementation Rate Reviews

In FY2018, four Post-Implementation Rate Review reports were issued - all projects were FY2017 projects. To continue compliance with Article 103.0033(f), the OCA's Court Services staff will calculate the collection rate(s) for jurisdictions based on a calculation methodology integrated in the OCA's reporting software.

SPECIALTY COURTS

CHILDREN'S COURTS PROGRAM

Since the last quarterly report, OCA's Children's Courts Program Manager, General Counsel, and Executive Director, Anissa Johnson, Mena Ramon, and David Slayton, respectively, have held multiple meetings and work sessions drafting proposed realignments of existing child protection and child support courts due to county configuration changes that resulted from the newly created Administrative Judicial Regions (AJR) 10 and 11 and increasing caseloads in child protection cases. Mr. Slayton and Ms. Ramon presented the proposals to the AJR Presiding Judges on September 4, 2018.

Plans are underway to schedule webinars on Child Support Court Coordinator training modules developed by OCA's Court Consultant, Aurora Zamora. The webinars will initially be made available to OCA child support court coordinators only but may be expanded to trial court coordinators whose courts do not participate in the OCA child support court program.

Planning is also underway for the 2018 CPC Judges Meeting and CPC Coordinator Training. The meeting will be held the morning of Monday, November 12. The coordinator training will continue through Monday afternoon ending Tuesday morning, November 13. The meeting will be held as a pre-session to the 2018 Child Welfare Judicial Conference to be held the afternoon of Monday, November 12, through Wednesday, November 14, in Georgetown, Texas. The conference is sponsored by the Texas Center for the Judiciary and the Children's Commission.

PROBLEM-SOLVING COURTS

Since the last quarterly report, OCA Problem-Solving Courts Consultant and Statewide Court Coordinator, Anissa Johnson, and Research and Court Services Division Director, Scott Griffith, have continued to meet with representatives from the Governor’s Criminal Justice Division (CJD) to discuss ongoing collaboration between OCA and CJD on specialty courts and other problem-solving court programs.

Ms. Johnson attended the Texas Association of Specialty Courts’ (TASC) Annual Strategic Planning Session in Huntsville, Texas on August 23. TASC is the state specialty court association. Its mission is to build and strengthen Texas specialty courts through collaboration, advocacy and education. Ms. Johnson and TASC board members discussed ways in which OCA and TASC can collaborate, along with CJD and the Specialty Court Resource Center, to effectively support, represent, advocate, and train Texas specialty court programs.

REGULATORY SERVICES

JUDICIAL BRANCH CERTIFICATION COMMISSION (JBCC)

Profession	Number of Certifications, Registrations, Licenses
Court Reporters	2,217 individuals and 332 firms
Guardians	444 individuals
Process Servers	3,853 individuals
Court Interpreters	451 individuals
TOTAL	7,297 individuals and firms

RECENT MEETING OF THE JBCC AND ADVISORY BOARDS

- The most recent meeting of the full commission was August 3. The commission welcomed Judge William Sowder to the commission. Judge Sowder previously served as presiding officer of the Court Reporters Advisory Board and is replacing Judge Ben Woodward who resigned in April 2018.
- The next meeting of the full commission is scheduled for November 2.
- The Court Reporters Certification Advisory Board met on August 10. The advisory board welcomed Judge Lori Valenzuela as the new presiding officer, replacing Judge William Sowder who was appointed to the commission.

The agendas for all JBCC meetings can be found at <http://www.txcourts.gov/jbcc/meetings-agendas/>

JBCC COMPLIANCE SECTION COMPLAINT INVESTIGATION AND RESOLUTION

- In FY 2018, 80 complaints have been opened year-to-date in various stages of the complaint process: 28 court reporters, 37 process servers, 11 guardians, and 4 licensed court interpreter complaints.
- The next meeting of the Guardian Complaint Review Committee is scheduled for August 29.
- The next meeting of the Court Reporter Complaint Review Committee is scheduled for September 21.
- The next meeting of the Process Server Complaint Review Committee is scheduled for September 27.

DEVELOPMENT OF THE UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS' RECORDS BY THE JBCC

- The first meeting of the Uniform Format Manual (UFM) Committee of the Court Reporters Certification Advisory Board is scheduled for October 11.

EXAMINATIONS FOR THE JBCC

The JBCC certification staff administers the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification.

- On July 25, JBCC staff administered the Guardianship Certification Examination to 17 candidates for certification.
- On August 14-16, JBCC staff administered 32 oral Licensed Court Interpreter examinations.
- On August 21-22, staff administered 43 written Licensed Court Interpreter examinations.

GUARDIANSHIP COMPLIANCE PROJECT (GCP)

The Office of Court Administration (OCA) manages the Guardianship Compliance Project (GCP) to provide additional resources to courts handling guardianship cases. Guardianship Compliance Specialists (GCS) are available to review guardianship cases to identify reporting deficiencies by the guardian, review annual reports and accountings, and report findings to the court. The GCS's will work with the courts to implement best practices in managing guardianship cases, identify active and closed cases, and assist with additional services. Assistance is available to courts with probate jurisdiction to provide oversight of guardianships at no cost to the county. The mission of the Guardianship Compliance Program is to assist the courts in protecting our most vulnerable citizens and their assets.

Guardianship Compliance Project
as of August 7, 2018

	46/32	Courts and Counties involved in the guardianship compliance project
	28,782	Guardianship cases reviewed by the guardianship compliance project
	18,232	Guardianship cases recommended for closure with 3,320 deceased
	10,550	Active guardianship cases
	2,780*	Guardianship cases found to be out of compliance with statutorily required reporting



35%*

Percentage of cases with missing reports of the person



44%*

Percentage of cases with missing initial inventories



48%*

Percentage of cases with missing annual accountings

* Note: These statistics are reported for the 29 counties in which the initial review process has been completed. The number of active guardianships in those 29 counties totaled 6,498. With 2,780 cases out of compliance with required reporting, the percentage of cases out of compliance is 43%.

GUARDIANSHIP COMPLIANCE TRAINING AND OUTREACH

- Presentations on New Guardianship Registration Requirements, Webpage on Online Registration Requirements and Processing New and Pre-Existing JBCC [Guardianship Registrations](#):
 - June 8, Bexar County Probate Courts, Clerk staff and attorneys
 - June 22, Bexar County Elders Committee, Judges and Attorneys
 - July 20, Catholic Charities in Bexar County
 - August 22-24, Texas College of Probate Judges
 - September 6, Lubbock Guardianship Symposium
 - September 21, Guadalupe County Bar Association
 - October 4, Tarrant County Bar Association

GUARDIANSHIP COMPLIANCE PARTICIPATING COUNTIES

Hays, Guadalupe, Webb, Comal, Anderson, Montgomery, Tyler, Orange, Tom Green, Kaufman, Lubbock, Bexar, Washington, Jefferson, Hale, Potter, Hill, Grimes, Waller, Lynn, Cameron, Burnet, Lampasas, Williamson, Titus, El Paso, Caldwell, Liberty, Bell, Polk, Milam and San Jacinto counties. Bee, Dickens, Palo Pinto, Wilson, Cochran, Gaines, San Patricio and Ector have requested our assistance. The GCP team is conducting follow up reviews in Webb and Lubbock Counties.

- Met with Judges, court staff, and county clerks on details of project.
- They have all been cooperative with the project, except one county court at law judge.
- Conducted an Initial Assessment and Program Survey.
- Conducted Review and audit of guardianship files for overall reporting compliance.
- Reviewing files for missing inventories, missing annual report of the persons, and missing annual accountings.
- Completing audit sheet for each active case file.
- Compiling our findings on a spreadsheet to report.
- Conducting financial audit of estates using Initial Inventories and Annual Accountings.
- Maintaining a list to recommend best practices for the courts.
- Assisting with compliance.

- Participating in compliance dockets.

SENATE BILL 1096-REGISTRATION OF GUARDIANSHIPS (EFFECTIVE JUNE 1, 2018)

SB 1096 (Zaffirini / Smithee) requires that a statewide guardianship registration and database system be established, that all guardians (including family guardians) complete an online training course before being appointed, and that criminal background checks be run on all individual guardians. Once implemented, the mandatory training course will “educate proposed guardians about their responsibilities as guardians, alternatives to guardianships, supports and services available to the proposed ward, and a ward’s bill of rights.”

On June 1, OCA implemented the requirement that all guardians register with the state, have a criminal background check conducted for all potential newly-appointed guardians, and online training for all potential newly-appointed guardians. We are also registering all pre-existing guardianships appointed prior to June 1st.

Even though the registration requirement just began on June 1st, over **10,000 (+)** guardians have entered the online registration information with OCA and **2500 (+)** individuals or “learners” have completed the online training program. OCA will soon implement the connection with DPS so that law enforcement can have access to the registry information in the case that law enforcement encounters an individual who is under guardianship.

Our staff is working tirelessly to provide customer service and assistance to those registering with the JBCC. We are also waiting on an estimate from NCSC for the development of the guardianship training in Spanish. Additional information can be found at <http://www.txcourts.gov/jbcc/register-a-guardianship/>.

REGISTRATION OF GUARDIANSHIP PROGRAM SENATE BILL 36 (SEPTEMBER 1, 2018)

- On September 1, JBCC initiated the registration of guardianship programs throughout the state.
 - JBCC has authority to register and monitor guardianship programs like JBCC’s oversight of court reporting firms.
 - This allows JBCC to ensure that guardianship programs adhere to minimum standards that further the welfare of individuals under a program’s care and would increase transparency.
 - JBCC Rules were developed with advisory boards and interested stakeholders. JBCC rules were posted for public comment on December 19, 2017 through January 30, 2018.
- On April 12, JBCC Rules were adopted by the Supreme Court of Texas.

TEXAS FORENSIC SCIENCE COMMISSION (TFSC)

The Texas Legislature created the Texas Forensic Science Commission (“TFSC”) during the 79th Legislative Session by passing House Bill 1068 (the “Act”). The Act amended the Texas Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the TFSC. During subsequent legislative sessions, the Legislature further amended the Code of Criminal Procedure to clarify and expand the TFSC’s jurisdictional responsibilities and authority.

The TFSC has nine members appointed by the Governor of Texas. Seven of the nine commissioners are scientists and two are attorneys (one prosecutor and one defense attorney).

The TFSC has four main areas of responsibility:

- accreditation of crime laboratories and other entities that perform forensic analysis;
- designation of forensic disciplines for accreditation or exemption;
- investigation of allegations regarding professional negligence and misconduct; and

- the licensing of forensic analysts (beginning January 1, 2019).

The Legislature moved the TFSC's administrative attachment to the Office of Court Administration during the 85th Legislative Session.

The TFSC's most recent quarterly meeting was held on July 20. Commissioners considered a variety of matters including complaints against laboratories, laboratory self-disclosures of internal non-conformities, the development of rulemaking to support the forensic analyst licensing program, issuance of investigative reports and progress on the statewide DNA mixture review projects. All Commission quarterly meetings are open to the public and livestreamed with the support of OCA's IT division.