



# DIRECTOR'S REPORT

February 2019



## Texas Judicial Council

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## TECHNOLOGY & DATA

### JUDICIAL ACCESS TO COURT RECORDS (RE:SEARCHTX)

#### 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, attorneys on the case, and other registered users (general public). It allows users to filter eFiled documents down by county, court, case, party or a combination of those criteria. The system has over 8,800 users including judges, clerks, attorneys and registered users.

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

Last fall, the Supreme Court adopted the Judicial Committee on Information Technology's recommendations to expand the system to attorneys not on the case, as well as registered users (the general public). For those roles, documents are available for sale based on a security matrix (also adopted by the Supreme Court). Documents are available for \$0.10/page with a maximum charge of \$6 a document. The money collected goes directly to the county where the document originated. To date, more than \$1,500 has been collected and sent to more than 130 counties across Texas.

Since its expansion to attorneys not on the case and the registered public, we have been relying on word-of-mouth advertising to expand usage. Within the next month, Tyler Technologies will begin publicizing webinars as well as doing other outreach to let attorneys and other partners know that the service exists.

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

In June 2016, 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 50,000. The next group of counties to go mandatory, counties over 20,000 is on July 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

In November, OCA hosted a Pretrial Summit to provide a focused forum in which participants could review their jurisdiction's pretrial practices and develop strategies to improve them. A demonstration of the Pretrial Risk Assessment Information System for Texas was provided at the Summit.

## PRICE OF JUSTICE GRANT

Texas was one of five states awarded federal grant money to increase the amount of information that a judge sees when determining a person's ability to pay fines and fees assessed. The project works closely with a user group which is comprised of court staff, Indigent Defense staff, and legal advocates. As development on the website continues, the user group is currently testing and providing feedback on the screens that capture defendant financial information, which will be used to determine a defendant's ability to pay their fines and fees.

## GUARDIANSHIP COMPLIANCE TOOL

OCA continues to develop the Online Guardianship Reporting System, which will assist guardians with their required reporting to the courts. During the last quarter, functionality has been added so that the system receives basic information from the Guardianship Registry about the guardian and protected person once a guardianship case has been registered with the Judicial Branch Certification Commission.

## 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 50 PCs to counties and municipalities. This program will re-open with our next refresh project scheduled in the fall of 2019.

Regional Public Defender Upgrades – Working with a third-party vendor, OCA was able to resolve RPDO issues in directly connecting their laptops to the Azure government cloud. The RPDO team is highly-mobile and share documents and information across multiple locations all over the cloud.

## COURT SERVICES

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

## 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.

The bill also:

- 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;
- 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 court 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.

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 1,443 judges have taken advantage of the privacy protections available.

Since the last TJC meeting, the Court Security Director conducted four home assessments, four courthouse assessments (with approximately 12 pending scheduling), attended judicial training conferences, conducted approximately 12 presentations before various county court security committees and judicial training entities, and partnered with DPS to developing messaging to the judiciary about [www.iwatchtx.com](http://www.iwatchtx.com), a community reporting system designed to capture suspicious activities or behaviors that may indicate criminal, or terroristic related threats towards the judiciary or courthouses. This reporting site is available on a web-based platform, Android or OS App. Reports can be submitted by anyone and every report will be reviewed by DPS analysts for management and/or investigative referral.

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, from 118 in FY17 to 383 in FY18, an increase of 225%. Security incident reporting for the first quarter of FY19 continues to be at a high level, with 110 incidents reported, an increase of 15% over the same period last fiscal year.

Since the last TJC meeting, the Court Security Director also facilitated the first meeting of the Supreme Court's Advisory Committee on Judicial Emergency Preparedness and Court Security.

The judicial threat environment in Texas is a dynamic one that requires a high level of engagement, attentiveness, and collaboration. The Court Security Division continually engages 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. OCA has requested two additional security personnel to assist with the workload.

## 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:

- Production of
  - the 2018 Annual Statistical Report
  - the [Report on Judicial Salaries and Turnover for FYs 16-17](#)
  - the first [Presiding Judges](#) Annual Report (related to a new reporting requirement established by SB 1893, 85<sup>th</sup> Legislature)
  - the first [Writs of Attachment](#) Annual Report (required by SB 291, 85<sup>th</sup> Legislature)
  - 35 data analyses for new district courts or county courts at law
- Supporting the work of
  - the [Council of Presiding Judges'](#) annual meeting
  - the "[Price of Justice](#)" Project
- Presenting on reporting requirements at
  - the Texas Municipal Courts Education Center's seminar for new clerks
  - the Texas Justice Court Training Center's schools for new judges and new clerks
  - the County and District Clerks Association mid-year conference and
  - the Texas Association for Court Administration annual conference.
- Tracked all appellate and district judges leaving office during the fiscal year and surveyed all judges who resigned or did not seek reelection for the FY 18-19 [Judicial Salaries and Turnover 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 FY2018.

Jl staff also worked on updating the Texas Judicial System [Directory](#) and [directory database](#) with a goal of completion by early February.

## 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 239 hearings in 35 counties;
- The Domestic Violence Training Attorney trained a total of 882 people at 13 training events;

- Work continued on finalizing reports required by [HB 1204](#), [SB 47](#), and [SB 1326](#) from the 85th Legislature;
- Implementation continued of 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;
- Training, technical assistance and other consulting services was provided to a number of clerks and judges across the state through the Court Services Consultant;
- Technical assistance to jurisdictions regarding collections continued to be provided throughout the state; and
- Court Services staff and the Information Services Division continued work 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, with plans to start piloting the tool soon. 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.

## COLLECTION IMPROVEMENT PROGRAM AUDIT

### START OF FISCAL YEAR 2019

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#### COLLECTION IMPROVEMENT PROGRAM AUDITS

The OCA Audit Department (OCA Audit) completed the Annual Risk Assessment on the Collection Improvement Program (CIP) mandated jurisdiction programs, and developed the Annual Audit Plan for Fiscal Year 2019. The risk assessment encompassed an assessment on 68<sup>1</sup> mandated jurisdictions (39 counties and 29 municipalities) based on the legislative change in [HB 3167](#) of the 85th Legislative Session that was enacted effective June 1, 2017. The change increased the minimum population threshold for a county’s participation in the CIP from 50,000 to 100,000. The legislative change resulted in a decrease of 23 counties no longer required to participate in the CIP. However, the 2020 Census by the U.S. Census Bureau may augment the number of mandated jurisdictions required to implement and maintain a CIP. The risk assessment and audit plan were approved by OCA’s executive staff. The audit plan consist of four jurisdictions (two municipalities and two counties) that must demonstrate compliance with the program rules in Sec. 175.3 of the Texas Administrative Code ([1 TAC §175.3](#)). One scheduled municipality audit has been completed. The municipality was in compliance with 1 TAC §175.3 program rules, and the official report is pending to be issued.

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#### DATA VERIFICATION AUDIT PROGRAM MODEL

The data verification process examines the accuracy of assessed and collected court costs, fees, and fines reported to the OCA by CIP mandated jurisdictions as required in [1 TAC §175.4\(c\)\(3\) and \(4\)](#). The data review process will be performed concurrently with the CIP compliance audit process for municipalities only. County jurisdictions typically have numerous CIP programs. Therefore OCA executive staff approved the application of the review process to county programs in subsequent plan years or to designate the data verification process as a separate project for all jurisdictions in FY2020. One scheduled verification examination on a municipality has been completed. The test results verified the municipality’s reported data to be accurate as reported with the official report pending to be issued.

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<sup>1</sup> Harris County has a perpetual waiver in place.

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## 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 FY2019, four compliance audits are scheduled to be performed - two municipalities, and two county jurisdictions. One compliance audit has been completed.

- 1 - municipality passed, report pending to be issued
- 1 - municipality pending to complete the FY2019 compliance audit
- 2 - county jurisdictions pending to complete the FY2019 compliance audit

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## DATA VERIFICATION REVIEWS

The Data Verification review process was officially implemented in FY2019. Two municipality verification reviews are scheduled to be performed in FY2019. One verification review has been completed.

- 1- municipality passed the data verification process, report pending to be issued
- 1- municipality pending to complete the FY2019 data verification review process

## SPECIALTY COURTS

### CHILDREN'S COURTS PROGRAM

During the last quarter coordination continued with the impacted Child Protection and Child Support Courts implementing the adopted realignments to take effect January 1, 2019. The realignments were proposed to equalize caseloads among the courts.

Planning for the Child Support Court Coordinator training modules wrapped up in October 2018. The five-part series ran through December 2018. The trainings were well-received and will be made available via the OCA media page for those who were unable to attend.

The 2018 CPC Judges and Coordinators Meeting was held Monday, November 12, 2018, from 8:30 a.m. – 1:00 p.m. at the Sheraton Austin Georgetown Hotel & Conference Center in Georgetown prior to the start of the 2018 Child Welfare Judicial Conference (CWJC). Several child welfare stakeholders and OCA staff presented to over 60 child protection associate judges and court coordinators. After joining the judges for the CWJC plenary session, the court coordinators attended a separate training Monday afternoon through Tuesday morning ending at noon.

During the opening of the CPC Judges Meeting, Ms. Tina Amberboy, Executive Director, Supreme Court Children's Commission, spoke briefly on pre-conference results related to interest in a stand-alone training specifically geared solely for Child Protection Courts. Planning is underway to convene this stand-alone meeting Summer 2019.

OCA participated in planning calls with the Supreme Court Children's Commission, Casey Family Services, and Dallas County officials to establish a new child protection court in Dallas County solely for cases involving children in permanent managing conservatorship (PMC) status with the Department of Family Protective Services Child

Protective Services (DFPS-CPS). The court will be patterned after a similar court in Harris County. Plans are underway to hire a new associate judge and court coordinator in 2019.

The Specialty and Children’s Courts Program Manager continued to attend child welfare stakeholder meetings hosted by the Children’s Commission. In addition to overseeing and coordinating the aforementioned events and initiatives she also continued to coordinate the day-to-day activities of the Children’s Courts program; most notably, working closely with Human Resources on the increased numbers of new hires as a result of retirements and departures in both child protection and child support courts.

## PROBLEM-SOLVING COURTS

During the last quarter the Problem-Solving Court Consultant provided input on a specialty court survey distributed to Texas specialty courts to glean data in line with OCA’s charge in SB 1326 – to identify specialty court participants diagnosed with a mental illness. She also facilitated and coordinated the creation of a focus group Texas judges to discuss Texas family courts to meet at the Texas Center’s Family Justice Conference in January 2019 as part of the Family Court Project between OCA and the Child and Family Research Partnership at the University of Texas at Austin.

In October 2018, the consultant represented Texas at the annual Statewide Drug Court Coordinators Meeting in New York City. This group meets 1-2 times per year for training on emerging trends in problem-solving courts, to share practices in each respective state, and to identify and brain-storm on effective, efficient best practices.

## REGULATORY SERVICES

### JUDICIAL BRANCH CERTIFICATION COMMISSION (JBCC)

Profession	Number of Certifications, Registrations, Licenses
Court Reporters	2,143 Individuals Certifications and 315 Firms
Guardians	448 Individual Certifications and 17 Programs
Process Servers	3,929 Individual Certifications
Court Interpreters	487 Individual Licenses
<b>TOTAL</b>	<b>7,339 Certifications, Registrations and Licenses</b>

### RECENT MEETING OF THE JBCC AND ADVISORY BOARDS

- The most recent meeting of the full commission was November 2, 2018. Judge Migdalia Lopez was recognized for her service to the Commission. Judge Lopez resigned from the Commission on September 25, 2018, due to her retirement. Judge Victor Villarreal from Webb County, Texas, was appointed on November 8, 2018, to replace Judge Lopez.
- The next meeting of the full commission is scheduled for February 1, 2019.
- The Guardians Certification Advisory Board met on December 4, 2018.
- The Court Reporters Certification Advisory Board met on January 11, 2019.

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

### JBCC COMPLIANCE SECTION COMPLAINT INVESTIGATION AND RESOLUTION

- FY 2019, 33 complaints have been opened year-to-date in various stages of the complaint process:
  - 10 court reporters, 17 process servers, 3 guardians, and 3 licensed court interpreter complaints.
- The next meeting of the Court Reporter Complaint Review Committee is scheduled for March 8, 2019.
- The next meeting of the Process Server Complaint Review Committee is scheduled for March 14, 2019.

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#### COURT REPORTER ADVISORY BOARD TO ADDRESS COURT REPORTER SHORTAGE AND DEVELOPMENT OF THE UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS' RECORDS BY THE JBCC

- The second meeting of the Uniform Format Manual (UFM) Committee of the Court Reporters Certification Advisory Board was held on January 11, 2019, with the next meeting scheduled on February 22, 2019.
- On January 11, 2019, the advisory board held its first meeting to discuss and address the court reporter shortage in Texas.
  - Endorsement/reciprocity, accepting national certifications, reviewing the exam and required statement of proficiency issues will be considered by the board.

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#### 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 October 24, our team administered the Guardianship Certification Examination to 21 candidates for certification.
- On November 13-15, our team administered 35 oral Licensed Court Interpreter examinations.
- On November 27-28, our team administered 39 written Licensed Court Interpreter examinations
- The next LCI examinations are scheduled for the week of February 14, 2019.

#### GUARDIANSHIP COMPLIANCE PROJECT (GCP)

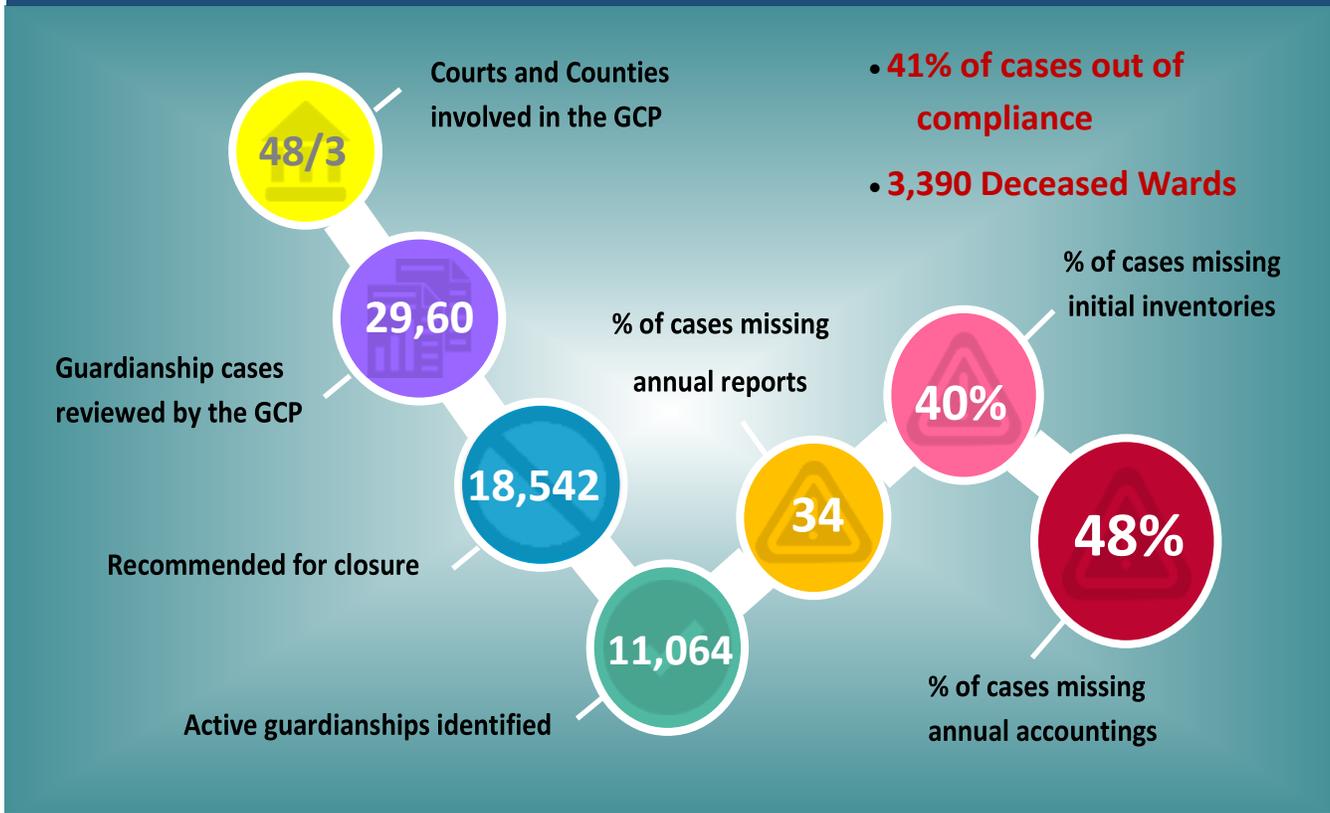
At the direction of the Texas Judicial Council and Legislature, the Office of Court Administration launched the Guardianship Compliance Project to review guardianships in multiple counties to determine the effectiveness of existing safeguards.

The study revealed most Texas Courts lack the personnel and resources to sufficiently provide oversight and protection for the elderly and incapacitated persons. The study also revealed serious failings in monitoring and managing guardianships. It has been determined that regular reports and accountings are not filed in almost half of all guardianships. Below are the services offered to enhance the protections to the elderly and incapacitated.

- Review all guardianship cases to identify compliance and reporting deficiencies by the guardian
- Review annual accountings and well-being reports to spot fraud, neglect, and exploitation
- Provide accurate list of active and closed cases for judicial review
- Conduct research on location of guardians and wards
- Develop best practices in managing guardianship cases
- Initiate communication with guardian
- Assist court with compliance dockets
- Prepare report for the court on findings with recommendations

- Outreach and training for courts and clerks

## GUARDIANSHIP COMPLIANCE PROJECT FINDINGS



### 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](#) since the last TJC meeting and upcoming:

- September 21 - Guadalupe County Bar Association
- October 4 - Tarrant County Bar Association
- October 25 - NCSC Visit for GCP, registration and training overview
- November 15 - Texas Association of Counties Conference
- December 18 - Texas Guardianship Association Legislative Forum
- February 15 - Texas Association of Counties Court Assistants Conference
- March 27 - Texas College of Probate Judges Conference
- April 5 - State Bar Probate CLE
- April 16 - Texas Guardianship Association Annual Conference

SENATE BILL 31, 86TH R.S., ZAFFIRINI ET AL: IMPLEMENTATION OF THE GUARDIANSHIP ABUSE FRAUD AND EXPLOITATION DETERRENCE PROGRAM

While the reforms implemented to date have improved the guardianship system in Texas, a key to the reforms' success is ensuring compliance with the laws and reviewing guardianship activities to spot potential abuse, fraud, and exploitation.

To provide a safety net for all vulnerable persons under the care of guardians, the Judicial Council proposed expanding the GCP statewide as proposed in OCA's legislative appropriations request and SB 31 (86th R.S., Zaffirini et al). Only by pro-actively training court personnel and proposed guardians on the fiduciary duties of guardianship, as well as auditing reports and accountings to detect and deter fraud and exploitation, will Texas be adequately braced to ensure the safety and well-being of this vulnerable and growing population.

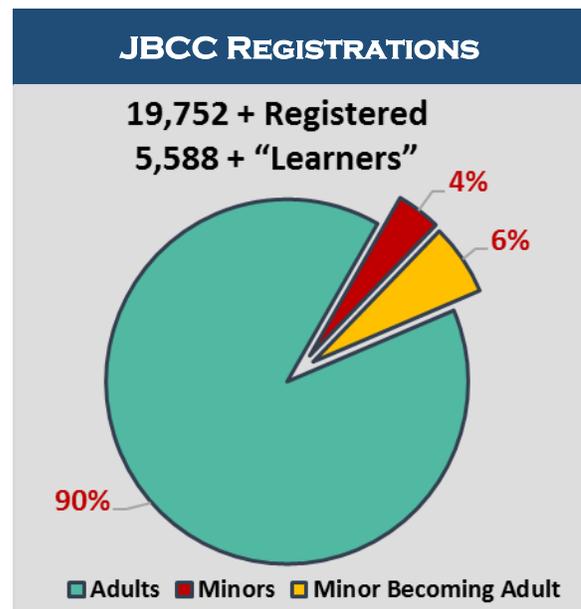
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#### SENATE BILL 1096 - REGISTRATION OF GUARDIANSHIPS (EFFECTIVE JUNE 1, 2018)

SB 1096 (Zaffirini/Smithee) created a safety net to ensure guardians are registered, properly trained, receive a criminal history background check, and guardian contact data is provided to DPS and its Law Enforcement Terminal System (TLETS) to identify persons under guardianship if law enforcement contact is made with them.

OCA developed a database to be filled with a registry of every guardianship in the state. As a registration prerequisite, the OCA conducts a criminal history background check and provides online training to proposed guardians. To date 19,752 proposed guardians have submitted data for registration, 5,588 have completed the training and over 2,400 criminal histories have been provided to the courts.

While the guardianship training is currently only available in English, OCA is developing the guardianship training in Spanish. For Information on guardianship registrations, visit [www.txcourts.gov/jbcc/register-a-guardianship/](http://www.txcourts.gov/jbcc/register-a-guardianship/).



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

SB 36 (Zaffirini/Thompson) created a registration for guardianship programs. This will allow JBCC to ensure that guardianship programs adhere to minimum standards that further the welfare of those under a program's care. The program registration will increase transparency by requiring mandatory reporting to the JBCC by the program. To date the JBCC has registered 17 guardianship programs throughout the state with one additional program pending registration.

#### TEXAS FORENSIC SCIENCE COMMISSION (TFSC)

The Texas Legislature created the Texas Forensic Science Commission ("TFSC") during the 79<sup>th</sup> 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 85<sup>th</sup> Legislative Session.

The TFSC's most recent quarterly meeting was held on January 25. Commissioners considered a variety of matters including complaints against laboratories, laboratory self-disclosures of internal non-conformities, accreditation reports, licenses issued pursuant to the forensic analyst licensing program, issuance of investigative reports, progress on the statewide DNA mixture review projects, and statewide training for laboratories on probabilistic genotyping software STRMix. All Commission quarterly meetings are open to the public and livestreamed with the support of OCA's IT division.