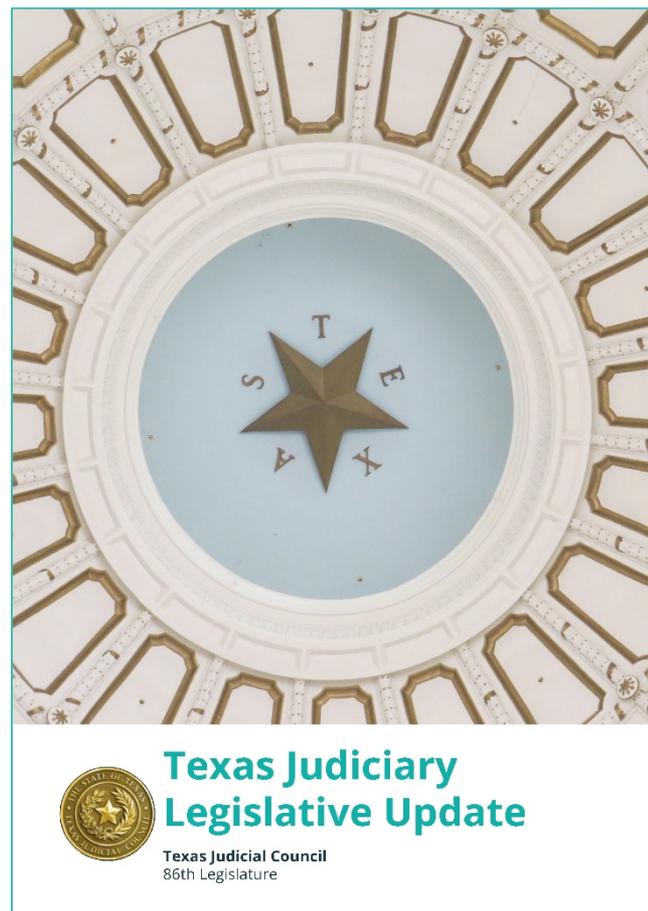


Legislative Update Texas Judicial Council

Megan LaVoie and
Jennifer Henry
Office of Court Administration
June 28, 2019



Legislative Statistics

86th Session

- House Bills
 - Filed: 4765
 - Passed: 969
 - = 20%
- Senate Bills
 - Filed: 2560
 - Passed: 460
 - =18%



OCA Fiscal Notes

- 86th: 1252
- 85th: 1181
- 84th: 1033
- 83rd: 711
- 82nd: 621

Legislative Priorities

As the policy making body of the Judicial Branch, the TJC regularly recommends to the legislature ways to improve the administration of justice in Texas. At its June 2018 meeting, the TJC endorsed the following proposals:

1



Improving Data Collection & Transparency

2



Improving the Judiciary's Response to Disasters

3



Enhancing Court Security

4



Improving Transparency from the State Commission on Judicial Conduct

5



Increasing Accountability in the Guardianship System

6



Supporting Specialty Courts

7



Combatting Opioid Abuse

8



Enhancing Public Safety through Modernization

9



Supporting Reforms Impacting Youth in State Custody

10



Addressing the Needs of Dually-Involved Youth

11



Ensuring Adequate Judicial Compensation

12



Supporting Funding for Civil Legal Aid in Texas

13



Ensuring Adequate Court Funding

14



Appropriating All Funds Collected for Improving Indigent Defense

15



Addressing the Needs of those with Mental Health Concerns

16



Improving the Civil Justice System

17

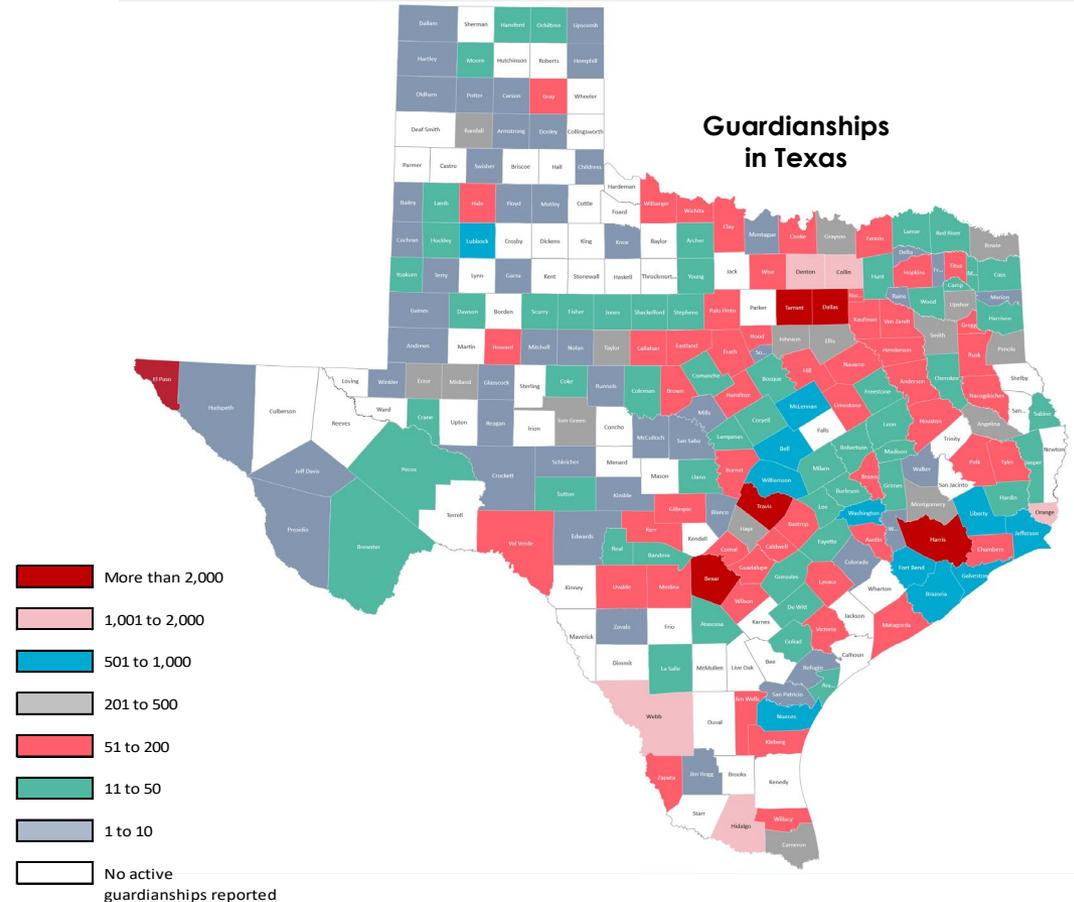


Addressing the Needs of Youth in Class C Misdemeanor Matters

SB 31 Guardianship, Abuse, Fraud, and Exploitation Deterrence Program

By Sen. Zaffirini/Rep. Smithee

- Expands OCA's current Guardianship Compliance Project Statewide.
- Requires OCA to engage guardianship compliance specialists to review and monitor reports and accounts of guardians for potential abuse, fraud or exploitation and report findings to appropriate court.
- Fully funded in the budget.



HB 2384 Judicial Pay Increase

By Rep. Leach/ Sen. Huffman

Tiered Pay System Based on Longevity

Years of Service

- **0-4 years of service** receive current base pay:
 - \$140k for district judges, \$154K for COA, \$168K for SC/CCA
- **4-8 years of service** receive 110% of base pay:
 - \$154k for district judges, \$169,400 for COA, \$184,800 for SC/CCA)
- **8-12 years of service** receive 120% of base pay:
 - \$168k for district judges, \$184,800 for COA, \$201,600 for SC/CCA
- **12 plus years of service** receive increased longevity pay from 3.1% to 5%
- **Retirement Contribution** increased from 7.5% to 9.5%

Other Salaries

- Child Support/Child Protection judges receive 90% of the base salary of a district judge
- CCAL Judges and Prosecutors on tiered system

Cost

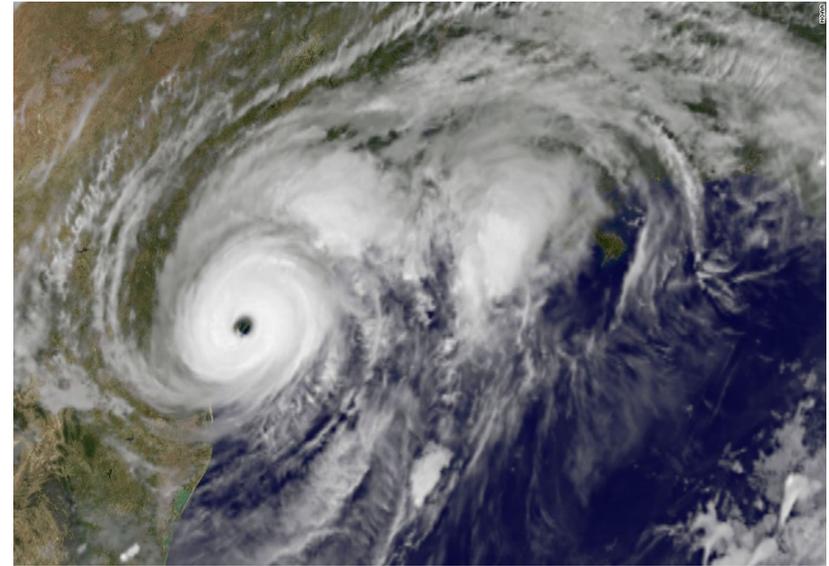
ESTIMATED TOTAL: \$31.2 million



SB 40 Judicial Disaster Changes

By Sen. Zaffirini/Rep. Leach

- Extends emergency orders for up to 90 days and allows chief justice to renew orders instead of full court.
- Allows Presiding Judge of Administrative Region to authorize court to operate in another precinct or county.
- Allows Presiding Judge of Administrative Region to designate the terms and sessions of the court in the region if the court is precluded from holding its terms by a disaster.

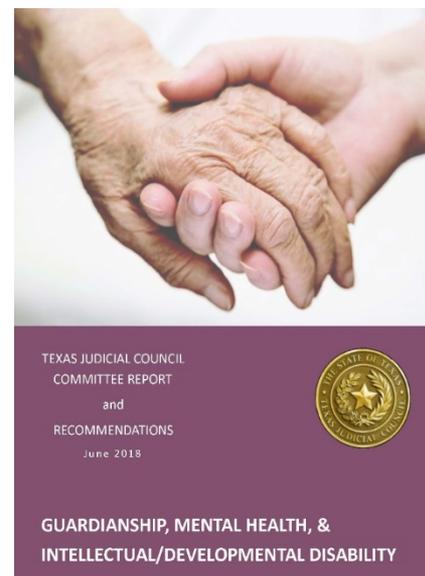


TJC Mental Health Legislation

HB 601

By Rep. Price/Sen. Zaffirini

- SB 1326 Clean-up bill from 85th Session
- Magistrate can order a defendant interviewed upon determination of mental illness.
 - May be interviewed by service provider that contracts with Jail to provide MHIDD services.
 - Interviewing entity must provide report of interview and information collected.
- TJC to adopt rules on reporting.
- Requires mental health records and screening reports to be transferred to TDCJ upon incarceration.



HB 598

By Rep. Price/Sen. Zaffirini

- Adds part-time masters, magistrates, and associate judges to the list of officials eligible for judicial and court personnel training funds.



SB 362 Court Ordered Mental Health Services

By Sen. Huffman/Rep. Price

Addresses multiple issues related to court ordered mental health treatment:

- Clarifies conditions under which a judge may order
 - temporary outpatient;
 - extended inpatient; or
 - outpatient mental health services.
- allows a court to set a status conference with the patient, the patient's attorney, and the person designated as responsible for the patient's court-ordered outpatient mental health services.
- requires publicly funded facilities to coordinate admission, treatment plan, discharge plan with LMHA and provide medication upon discharge.
- requires additional judicial training related to court-ordered outpatient mental health services at least once a year.
- directs the Supreme Court to adopt rules related to streamlining court processes connected to emergency detention.



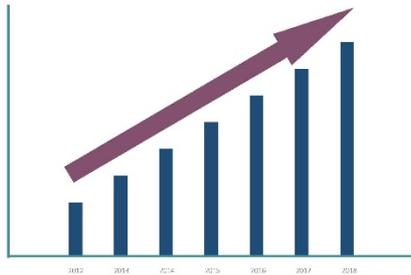
SB 562 Manifest Dangerousness

By Sen. Zaffirini/ Rep. Price

- Requires the court that civilly committed a defendant, upon receiving notice from a facility or outpatient treatment center of intent to release a committed defendant, to hold a hearing to determine if release is appropriate.
- Requires the Health and Human Services Commission (HHSC) to transfer a defendant from a maximum security unit to a non-maximum security unit if a review board determines the defendant is not manifestly dangerous.
- Allows certain individuals to expunge files and records relating to an arrest if the person completes a mental health court program.
- Requires counties with a population over 200,000 to create a mental health court program if they receive funding for program.



Uniform Case Management System

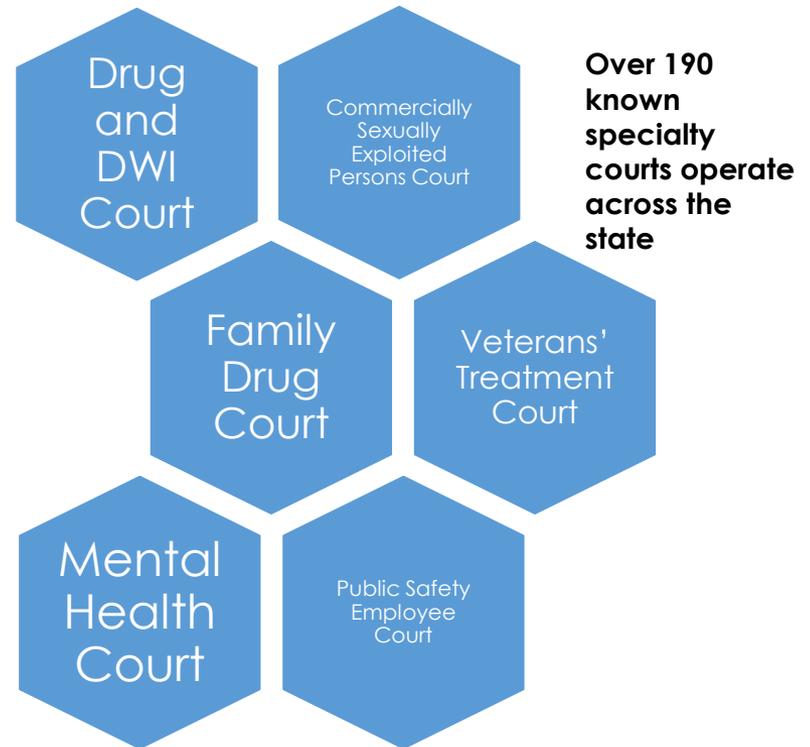


- \$29.7 Million to OCA to fund a uniform case management system.
- Focus on counties under 20K.
 - Necessary to comply with Federal order in CPS cases.
 - Part of Governor's School Safety Plan to assist with mental health and protective order reporting to NICS.
 - Provides magistrates with immediate access to critical information.
 - Will assist counties in reporting case level data.

HB 2955 Specialty Court Oversight

By Rep. Price/ Sen. Zaffirini

- OCA to provide to specialty courts:
 - technical assistance;
 - monitor the programs for compliance with best practices; and
 - coordinate the exchange of information between the specialty courts, the judiciary and the Governor's Criminal Justice Division.
- Moves Texas closer to national practices with centralized administration of specialty courts within the judiciary to better advance quality assurance, training, funding, research, technology, and advocacy goals.



SB 2342 Court Jurisdiction

By Sen. Creighton/ Rep. Leach

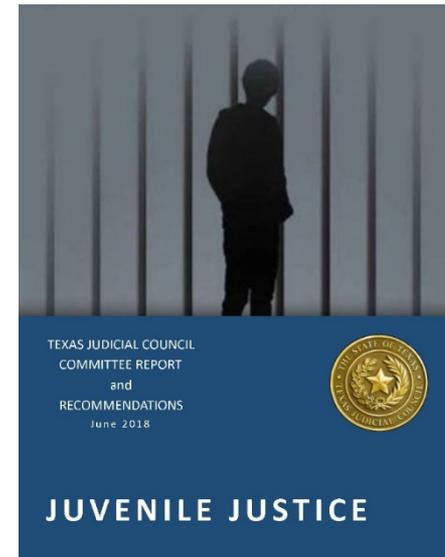
- Increases Justice of the Peace and Constitutional County Court civil Jurisdiction up to \$20,000.
- Increases County Court at Law civil jurisdiction up to \$250,000.
- Requires 12 person jury in County Court at Law when the case in controversy exceeds \$250,000.
- Requires Supreme Court to amend expedited rules to promote the prompt, efficient, and cost-effective resolution of civil actions filed in county courts at law in which the amount in controversy does not exceed \$250,000.



SB 1887 Dually Involved Youth

By Sen. Huffman/ Rep. Murr

- Allows a court exercising juvenile jurisdiction to transfer a juvenile case to the court with jurisdiction over a youth's CPS case.
- Spurred by the “one family/one judge” approach to improve case outcomes for dually-involved youth



SB 489 Court Security Updates

By Sen. Zaffirini/Rep. Smithee

- Closes loopholes that allowed judges personal information to be available to the public through the Texas Ethics Commission and County Clerk online and in person.
- Requires OCA to publish a report to the legislature detailing the court security activities supported by the Judicial Security Division including:
 - technical aspects of providing court security;
 - court security training provided or required by the Division;
 - the sufficiency of Division resources to evaluate and monitor court security; and
 - the adequacy of funding to maintain court security.



Vetoed Bills

- SB 467 - State Commission on Judicial Conduct Transparency
- SB 536 - Guardianship Specialty Courts
- SB 667 - Guardianship of Last Resort



Bills that Didn't make It...

- Judicial Qualification Modifications
 - SB 561/SJR 35 by Sen. Zaffirini
- Pretrial Bail Reform
 - HB 2020 by Rep. Kacal
 - SB 628/HB 1328/SJR 37/HJR 62 by Sen. Whitmire/Rep. Murr
- Juvenile Class C Diversion
 - HB 4606 by Rep. White



SB 346 Criminal Court Costs Consolidation

By Sen. Zaffirini/ Rep. Leach

- Simplifies the difficult-to-administer criminal court cost system and remedies potential constitutional issues using the *Salinas* line of cases by redirection money to a legitimate criminal justice purpose or classifying a statutory cost correctly as a fine or reimbursement of service.
 - No negative impact on local or state revenue
 - **Convicted defendant now pays two court costs:**
 - State Consolidated Court Cost
 - Local Consolidated Court Cost
 - **Plus**
 - Fines
 - Reimbursement fees

In Addition:

- Makes changes to collection of court costs and fees for defendants who are financially unable to pay:
 - Requires judge to hold a hearing to determine whether portion of fines, fees, costs create undue hardship.
 - Satisfy them through later due date, community service, waiving fine or combination.
 - Allows court to reconsider on own motion the waiver of costs if defendant has financial resources to do so.



HB 3040 Judicial Selection Commission

By Rep. Hunter/Sen.Huffman

- **Texas Commission on Judicial Selection created to study and review the method by which judges and justices are selected for office.**
 - Staffed by OCA
- **Study options:**
 - lifetime appointment;
 - appointment for a term;
 - appointment for a term, followed by a partisan election;
 - appointment for a term, followed by a nonpartisan election;
 - appointment for a term, followed by a nonpartisan retention election;
 - partisan election for an open seat, followed by a nonpartisan retention election for incumbents; and
 - any other method or combination of methods for selecting a judicial officer described by the bill.
- **Membership:**
 - 4 members appointed by the governor
 - 4 members appointed by the lieutenant governor
 - 4 members appointed by House speaker
 - 1 member appointed by the chief justice of the Supreme Court of Texas;
 - 1 member appointed by the presiding judge of the Texas Court of Criminal Appeals
 - 1 member appointed by the board of directors of the State Bar of Texas
- **Report due to Legislature and Governor by December 31,2020. Commission abolished on January 2, 2021.**



New Courts Created by the 86th Legislature

- SB 891 – Omnibus Courts Bill
By Sen. Huffman/ Rep. Leach
- District Courts
 - 454th District Court (Medina)
 - 455th District Court (Travis)
 - 456th District Court (Guadalupe)
 - 457th District Court (Montgomery)
 - 461st District Court (Brazoria)
 - 466th District Court (Comal)
 - 467th District Court (Denton)
 - 468th District Court (Collin)
 - 471st District Court (Collin)
- Statutory County Courts
 - Chambers Count CCAL
 - Comal County CCAL #3
 - Ellis County CCAL #3
 - Gillespie CCAL
 - Hidalgo CCAL #9
 - Hidalgo CCAL #10
 - Liberty CCAL #2
 - Rockwall CCAL #2
- OCA received funding to renew weighted caseload study to determine where new district and county courts should be located.
- Repeals collection improvement program.



86th Legislative Session Appropriation Summary



86th Legislative Session Appropriation Summary

Overall baseline budget request totaled \$669 million (excluding retirement and benefits).

Judiciary courts/agencies submitted exceptional item requests totaling \$166 million bringing total request to \$835 million.

Requested an additional 69.0 FTEs in exceptional items.

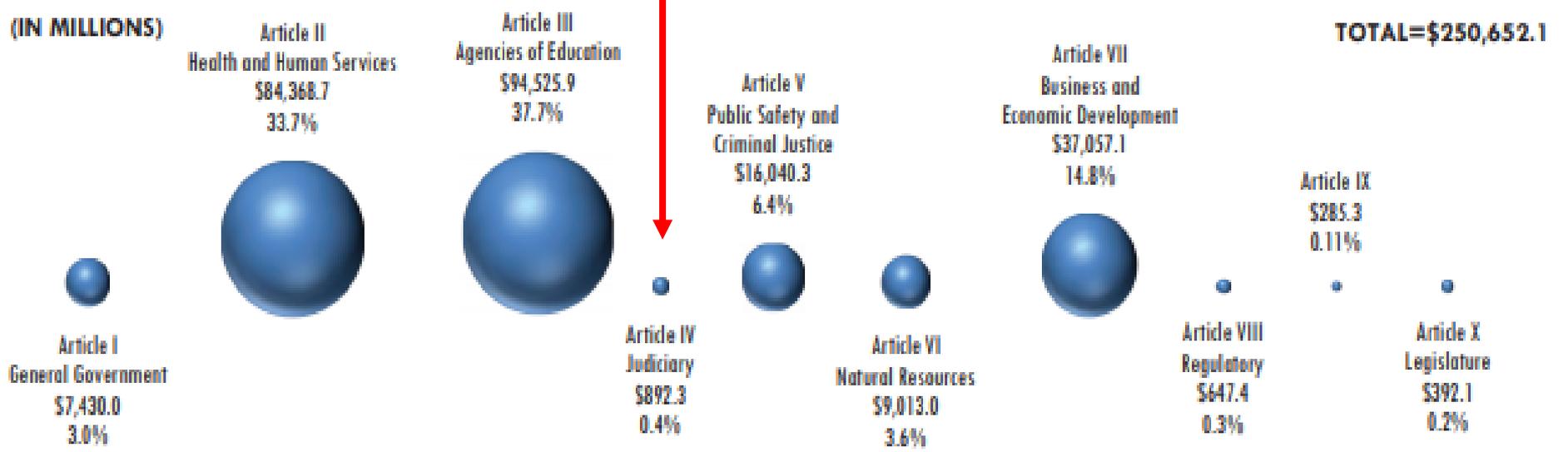
\$799 million appropriated to Article IV. 1,540.6 FTEs, an increase of 63.8 FTEs. Including retirement and benefits – \$955 million, a \$72 million or 9% biennial increase.

Contingency riders added approximately \$41 million to the conference committee report. These totals include IACs.



FUNDING BY ARTICLE

FIGURE 1
FUNDING BY ARTICLE, ALL FUNDS



NOTE: Object size is proportional to the percentage of recommended All Funds appropriation for all articles.
SOURCE: Legislative Budget Board.



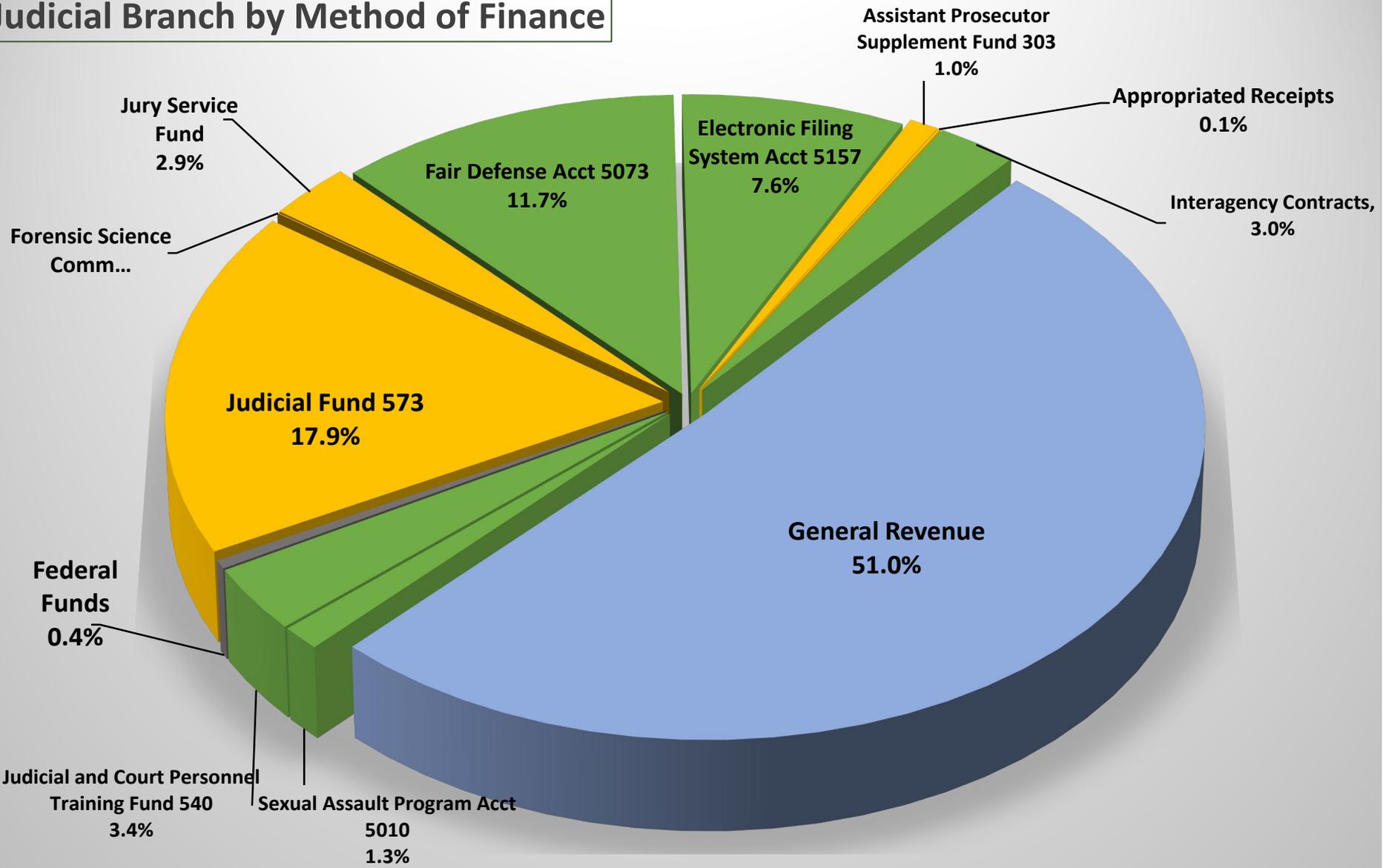
Appropriation by Method of Finance

- General Revenue - **\$408 million**
- General Revenue Dedicated - **\$191 million**
 - *Sexual Assault Program No. 5010*
 - *Judicial and Court Personnel Training No. 540*
 - *Fair Defense Account No. 5073*
 - *Statewide Electronic Filing No. 5157*
 - *Forensic Science Commission Acct No. 5173*
- Federal Funds - **\$3.5 million**
- Other Funds - **\$197 million**
 - *Judicial Fund No. 573*
 - *Assistant Prosecutor Supplement Fund No. 303*
 - *Appropriated Receipts/Interagency Contracts*
 - *Jury Service Fund (New – SB 346)*
- Retirement and Benefits - **\$156 million**

TOTAL - \$955 million



Judicial Branch by Method of Finance



Conference Committee Items of Significance

SUPREME COURT

- Salary increase for senior staff attorneys, law clerks, clerks and administrative staff.
- Judicial pay increase – HB 2384 - \$473K
- Basic Civil Legal Services increased by 17.6 million in GR to provide funding at 2010-2011 levels. \$68 million total funding in GAA.
- Increase of \$3 million in GR to provide additional legal services to veterans and their immediate families. \$6 million total funding.
- An additional \$400K in GR-D 5010 Sexual Assault Program Account funding. Restores BCLS appropriations for sexual assault survivors to \$10.0 million.
- \$250,000 in GR for the development of a training program to educate and inform judges and their staffs on available mental health resources.



Conference Committee Items of Significance

COURT of CRIMINAL APPEALS

- Salary increase for senior staff attorneys, law clerks, clerks and administrative staff.
- Additional \$3.5 million in Judicial Training Fund No. 540 (an estimated fund) to match the CPA's Biennial Revenue Estimate.
- \$250,000 in GR for the development of a training program to educate and inform judges and their staffs on available mental health resources.
- Judicial pay increase – HB 2384 - \$515K



Conference Committee Items of Significance

14 INTERMEDIATE COURTS OF APPEALS

- Approved for one staff attorney to assist visiting appellate judges with processing cases. FTE is residing in Office of Court Administration's budget. \$258K
- Rider that allows courts of appeals to use CPA Visiting Judge funds to employ or contract for a staff attorney to assist judges in cases that are in addition to their ordinary case load. (a CPA-Judiciary rider)
- Judicial pay increase – HB 2384 - \$2.9 million



Conference Committee Items of Significance

STATE PROSECUTING ATTORNEY

- Salary increase for asst. state prosecutors and administrative assistant.
- Judicial pay increase – HB 2384 - \$8,167

STATE COMMISSION ON JUDICIAL CONDUCT

- Salary increase for all staff and increase the Executive Director to exempt group 4.



Conference Committee Items of Significance

STATE LAW LIBRARY

- Salary increase for staff, assistant director and increase the Executive Director to Exempt group 2.
- \$170,000 in GR to maintain remote access to digital legal reference materials at current service levels.



Conference Committee Items of Significance

OFFICE OF CAPITAL AND FORENSIC WRITS

- Salary increase for attorneys and mitigation specialists, and increase the Executive Director to Exempt group 4.
- \$965K for three attorneys (two dedicated to representing inmates in non-capital cases where questionable forensic science contributed to a conviction), a mitigation specialist, travel, operating and litigation expenses.



Conference Committee Items of Significance

OFFICE OF COURT ADMINISTRATION

- \$5 million and 28.0 FTEs for the Guardianship Compliance Program.
- \$3.7 million and 18.0 FTEs for 9 new Child Protection courts. (76 total children's courts)
- \$300K for lump sum annual leave payouts for children's court staff. (57% of CSC; 20% CPC can retire)
- \$29 million for the Uniform Case Mgmt System. More than half is to be paid from the e-filing account.



Conference Committee Items of Significance

OFFICE OF COURT ADMINISTRATION

- Forensic Science Commission – estimated appn. authority for GR-D account providing access to all licensing revenues. \$1.4 million biennial budget.
- Estimated appropriation authority restored for e-Filing account providing access to an additional \$15.8 million.
- \$2.2 million for HB 2384 judicial pay bill to increase salaries of children’s court associate judges.
- \$258K for one staff attorney to assist the intermediate appellate courts visiting judges in complex cases.



Conference Committee Items of Significance

OFFICE OF COURT ADMINISTRATION

- \$300K to update the weighted case load study, currently 12-13 years old. (SB 891)
- \$67K to create a public website for inventorying public citations and other legal notices. (SB 891)
- \$80K into update the software system tracking judicial branch certifications in order to add two new court reporter licensing categories. (SB 891)
- \$300K to create a tracking system for various data associated with suits affecting the parent-child relationship. (SB 560)



Conference Committee Items of Significance

OFFICE OF COURT ADMINISTRATION

- \$325K out of e-Filing account to create a internet based protective order registry (SB 325).
- \$281K and 2.0 FTEs for resources and support for the Texas Commission on Judicial Selection. (HB 3040)

TX INDIGENT DEFENSE COMMISSION

- Additional \$28 million appropriated. Includes \$5 million for grants to public defender offices to develop a pilot project for the early identification and specialized representation of indigent defendants with mental illness.
- Elimination of cap on administrative expenses and FTE limit of 11. Estimated authority was not restored.



Conference Committee Items of Significance

COMPTROLLER JUDICIARY SECTION

- Judicial pay bill – HB 2384 - \$24 million for salary increases for district judges, district attorneys, professional prosecutors, felony prosecutors, and county attorneys. Additional \$4 million for judicial retirement system.
- \$9.4 million for assistant prosecutor longevity pay to offset anticipated decrease in revenue to the AP supplement fund and increase in number of prosecutors that will be eligible.
- \$252K and 1 FTE for a new prosecutor position within the Juvenile division that focuses on sexual assault cases.
- \$3.3 million due to the creation of new judicial districts, statutory courts and changes within the professional prosecutors act. (SB 891)



APPROPRIATION SUMMARY

METHOD OF FINANCE	2018-2019	2020-2021	INCREASE/ (DECREASE)
General Revenue	\$352,355,801	\$407,706,686	\$55,350,885
Fair Defense Account	\$61,610,883	\$93,146,403	\$31,535,520
Judicial Fund 573	\$199,019,808	\$143,078,708	(\$55,941,100)
Judicial and Court Personnel Training Fund 540	\$23,878,485	\$27,008,764	\$3,130,279
Sexual Assault Prgm Fund 5010	\$9,600,000	\$10,000,000	\$400,000
E-Filing Acct 5157	\$44,724,690	\$60,529,020	\$15,804,330



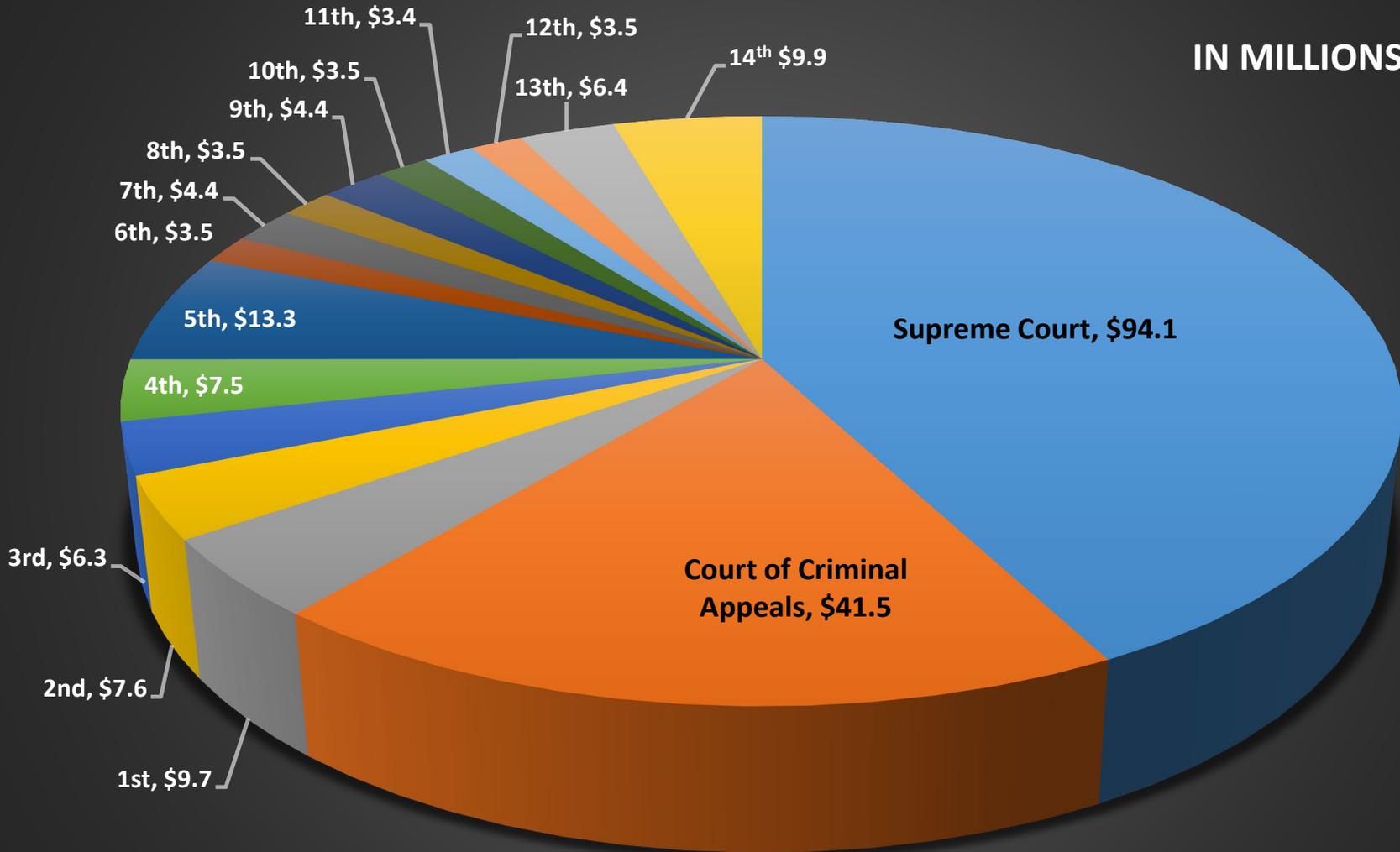
APPROPRIATION SUMMARY, continued

METHOD OF FINANCE	2018-2019	2020-2021	INCREASE/ (DECREASE)
Asst Prosecutor Supp Fund 303	\$8,769,700	\$8,018,000	(\$751,700)
Federal Funds	\$4,044,655	\$3,544,671	(\$499,984)
Interagency Contracts	\$21,894,378	\$21,951,982	\$57,604
Appropriated Receipts	\$1,223,603	\$670,811	(\$552,792)
Forensic Science Commission Acct	\$70,000	\$273,000	\$203,000
Jury Service Fund	\$0	\$23,251,000	\$23,251,000
TOTAL	\$727,192,003	\$799,179,045	\$71,987,042



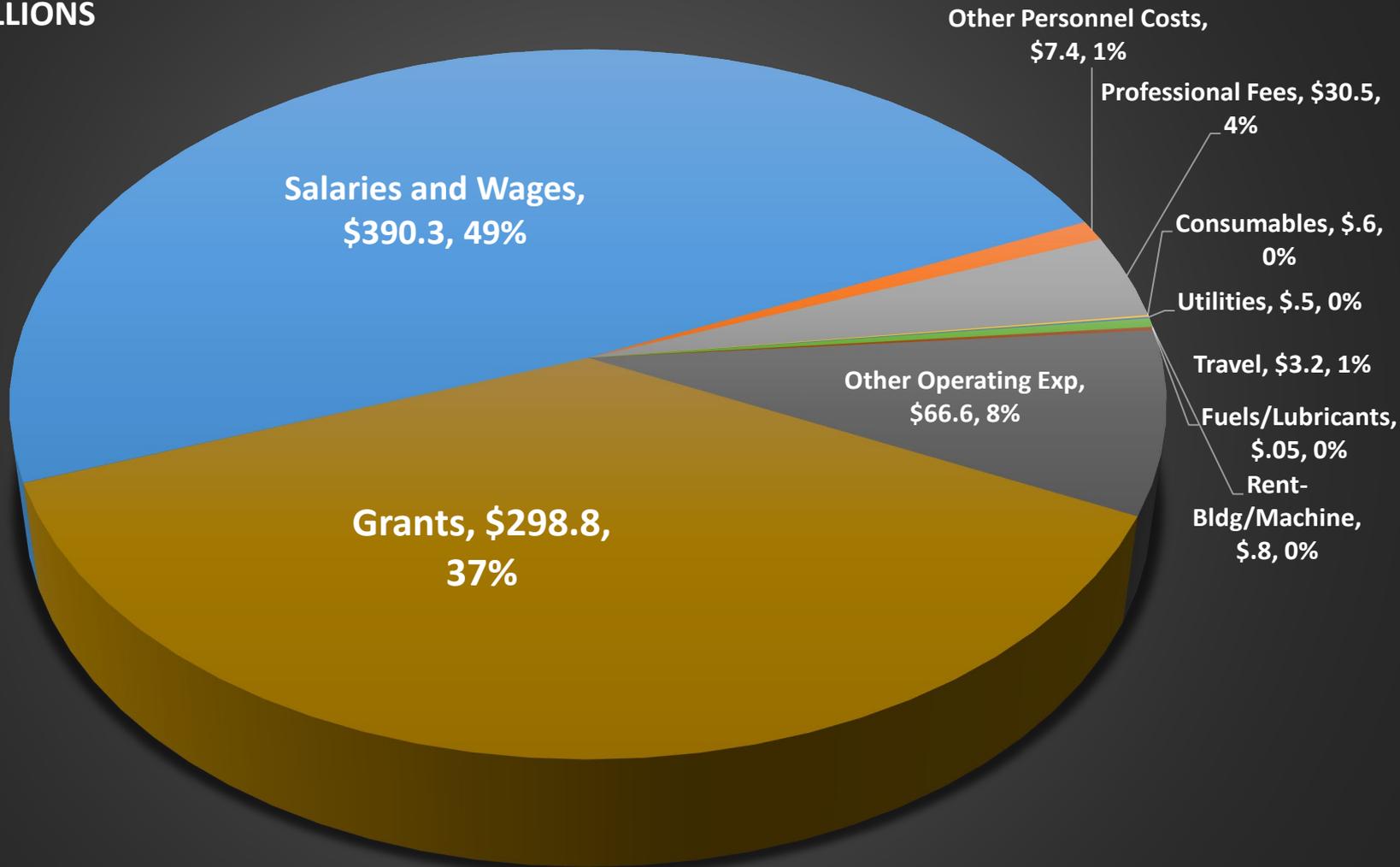
FY 2020-2021 Total Funding - Appellate Courts

IN MILLIONS

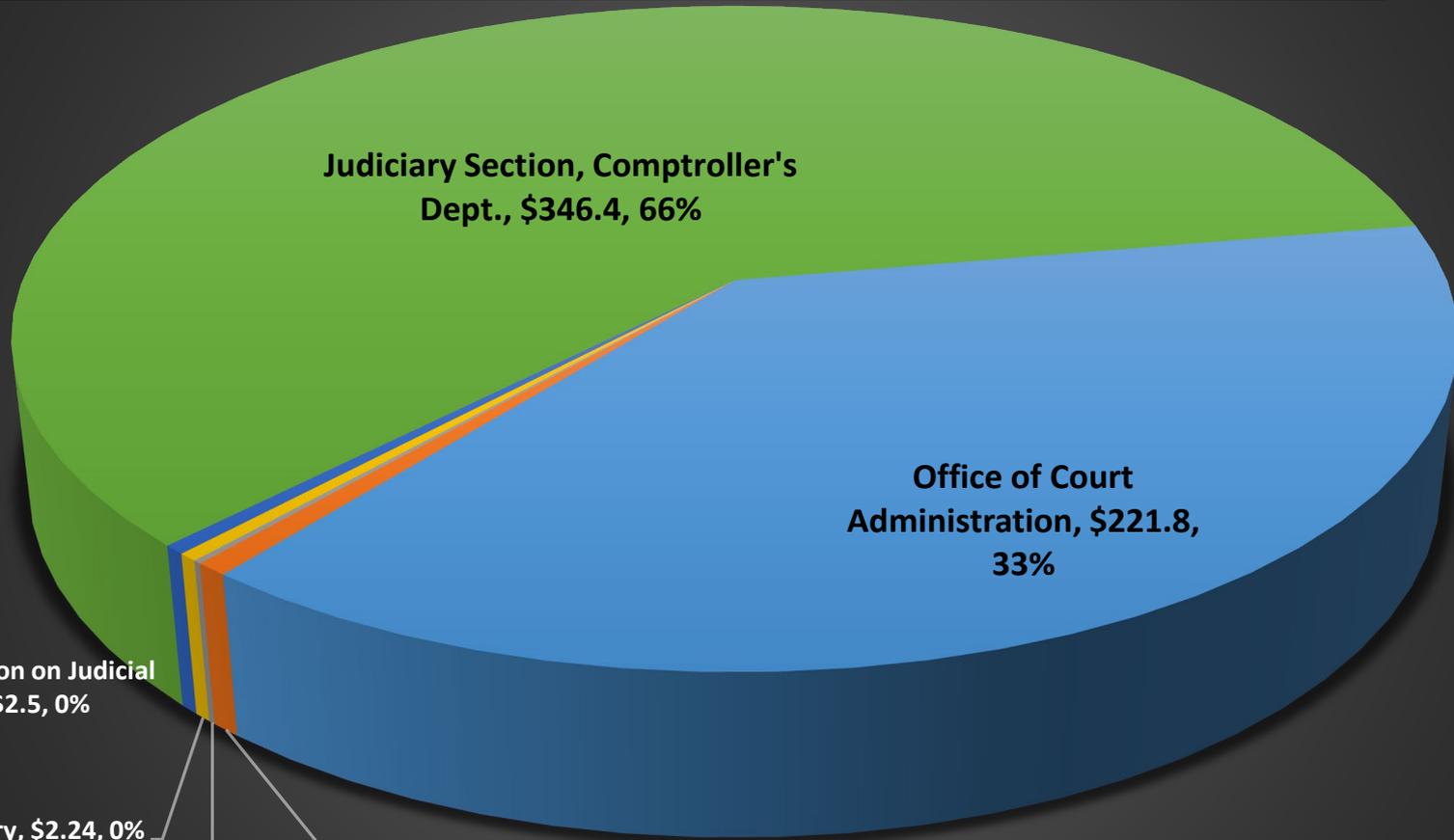


FY2020-2021 Objects of Expense - All Judiciary

IN MILLIONS



FY 2020-2021 Total Funding - Judicial Agencies excluding the Appellate Courts



IN MILLIONS



Look for the Texas
Judicial Council/ Office
of Court
Administration
Legislative Update on
www.txcourts.gov

