



# DIRECTOR'S REPORT

June 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 15, there were more than 200 Judges, 250 Clerks and 750 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 200,000. The next group of counties to go mandatory - counties over 100,000 - is on July 1. All but one of the counties in this group are already allowing criminal eFiling on a permissive basis.

Almost 100 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 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. 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 the group 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 June 1. OCA has been working with DPS to create an automated interface that will allow DPS to request guardianship information in accordance with SB 1096 (Zaffirini / Smithee). This interface is scheduled to deploy on July 1. Work continues on the development of the online system with input from the guardianship compliance auditors.

## OTHER INFORMATION SERVICES PROJECTS

Regional Capital Public Defender Office (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 RPDO to complete the migration of the case file OneNote notebooks to a SharePoint library in Office 365. OCA is the 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 of Appeals PC Refresh – OCA Information Services, working with the supported staff and agencies has deployed close to three-quarters of the equipment scheduled to be refreshed. The Project Manager is currently coordinating with the remote courts to develop a schedule to deploy the rest of the equipment over the summer.

## 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 183 hearings in 27 counties;
- The Domestic Violence Training Attorney trained a total of 416 people at 9 training events;
- Work continued on reports required by [HB 1204](#) (White / West), [SB 47](#) (Zaffirini / Wu), and [SB 1326](#) (Zaffirini / Price) 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 Department of Justice's Price of Justice project.

## 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 since the last meeting has been to raise awareness of the importance for the judiciary to comply with the several components of SB 42. This effort continues to be orchestrated through OCA's partnerships with the various judicial training centers via quarterly and monthly newsletters, local and regional judicial training conferences, court security committee meetings, and one on one discussions.

Further efforts to raise awareness of the law enforcement community about their responsibilities under the new law has focused on the requirement to report court security incidents. Networking with Texas law enforcement associations and organizations and addressing conference attendees has resulted in a one-hundred fifty-three percent (153%) increase in court security incident reporting for the period September 2017 through June 2018 over the same period one year earlier.

OCA will continue its efforts to assist court security committees with security recommendations, courthouse security assessments and advise the judiciary on recommended best practices.

## 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:

- In collaboration with OCA's Executive Assistant, produced the [2017 Annual Statistical Report of the Texas Judiciary](#);
- Produced the [2018 Texas Judicial System Directory](#);
- Presented on reporting requirements at:
  - 5 regional meetings of county and district clerks and the County and District Clerks' Association Annual Conference;
  - the Texas College of Probate Judges Conference;
  - the Texas Municipal Courts Education Center's seminar for new clerks; and
  - the Texas Justice Court Training Center's seminar for new judges.
- Supported the work of the Judicial Council's [Data Committee](#).

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 PLATFORM CHANGE

Fiscal Year 2018 marked the beginning of a resolution made by the OCA to conduct the Collection Improvement Program (CIP) audits under a new compliance audit platform. The chosen platform follows the Generally Accepted Government Audit Standards (GAGAS) and is ideally more appropriate for collection programs that fall under the direction of several elected judges and county officials. A significant amount of time was allocated by the audit staff in the development of the new audit process and work papers to meet both the GAGAS standards, and the Compliance Review Standards in [Sec. 175.5 of the Texas Administrative Code](#).

### CIP AMENDED RULES

Based on the Texas Judicial Council (TJC) approved amendments to the CIP rules that govern the implementation and operation of collection programs operated by counties and municipalities, 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 completed a compliance pilot test on the application of the new rules in a county with several collection programs.

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## 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 TJC, 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, since the Judicial Council repealed the reporting requirements in Sec. 175.4(c)(1), 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 presently has four data verification pilot audits on schedule with the expectation to complete the pilot tests by end of Fiscal Year 2018, and rollout a formal verification review audit platform in Fiscal Year 2019.

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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 66 Compliance Audit reports, of which ten were follow-up audits.

- 16 Municipalities, 2 were follow-up audits
- 50 Counties, 8 were follow-up audits

In Fiscal Year 2018, three Compliance Audit reports have been issued, two were residual FY2016 projects and one was a FY2018 project. One report was for an initial audit performed that acknowledged compliance with TJC rules prior to revision of the 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 the old rules, and one report was a pilot test report that acknowledged compliance with implementation of the new rules.

- 1 passed the initial audit
- 1 failed the follow-up audit
- 1 new rules pilot test audit

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## RATE REVIEWS

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

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

In Fiscal Year 2018, four Post-Implementation Rate Review reports have been 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

#### CHILD PROTECTION COURTS

On May 24-25, 2018, the Administrative Judicial Region Presiding Judges held their annual retreat. There was discussion about child protection and child support case load distribution and whether there is need for new Children's Courts or realignment of existing child protection and child support courts.

OCA was awarded a grant from the Children's Commission to fund the use of visiting child protection associate judges. This will enable members of the judiciary experienced in child protective services cases to cover associate judge vacancies from the bench.

The Child Protection Court and Child Support Court advisory committees continued to meet this quarter to discuss respective case management systems (CPCMS and CSCMS) practices and proposed systemic enhancements.

Anissa Johnson, Children's Courts Program Manager, attended the Harris County CPS Impact Court PAL (Preparation for Adult Living) Graduation Ceremony on Friday, May 11, 2018. Nineteen youth graduated from high school. All 19 are pursuing post-secondary education via benefits available through the PAL program. The ceremony was well attended by representatives from the County Attorney Office, Harris County Sheriff Department, CPS and host of nonprofit and community organizations. A few of the schools the youth will attend are Harris County Community College, Blinn College, and TSU.

#### PROBLEM-SOLVING COURTS

Since the last quarterly report, OCA's Specialty Courts Program Manager, 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 drug court and other problem-solving court programs.

Anissa Johnson, Problem-Solving Courts Consultant, attended the Texas Veterans Commission's 2018 Veterans Treatment Court Invitational Summit in Austin on Monday, January 29, and Tuesday, January 30. Veterans Treatment Court teams were invited from Bell, Bexar, Collin, Denton, Hays, Harris, Nueces, Tarrant, Travis, and Williamson counties to foster the creation of a guiding set of best-practice principles for Texas' current Veterans Treatment Courts, as well as assist newly forming Veterans Treatment Courts in identifying important measures of success. Representative James White gave the keynote address.

On March 20, Anissa Johnson visited the Bell County Veterans Treatment Court (VTC), the Honorable Rebecca DePew, County Court at Law #3, presiding. As of January 30, there are 35 operating VTC's in Texas, the most in the country. The Bell County VTC is open to veterans charged with misdemeanor and felony offenses who meet statutory requirements (military or combat-related experiences contributed to the commission of the offense) for participation as provided in Chapter 124 of the Texas Government Code. The caseload is comprised of individuals whose cases have not yet been adjudicated (pre-trial; pre-adjudication) and those whose cases have already been adjudicated (post-adjudication) and are placed on probation.

## REGULATORY SERVICES

### JUDICIAL BRANCH CERTIFICATION COMMISSION (JBCC)

Profession	Number of Certifications, Registrations, Licenses
Court Reporters	2,205 individuals and 326 firms
Guardians	416 individuals
Process Servers	3,682 individuals
Court Interpreters	440 individuals
<b>TOTAL</b>	<b>6,743 individuals and firms</b>

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#### RECENT MEETING OF THE JBCC AND ADVISORY BOARDS

- The most recent meeting of the full commission was May 4, 2018. The commission was advised that the revised JBCC rules were adopted by the Supreme Court on April 12, 2018.
- The next meeting of the full commission is scheduled for August 3, 2018.
- The Court Reporters Certification Advisory Board met on February 27, 2018.

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

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#### JBCC COMPLIANCE SECTION COMPLAINT INVESTIGATION AND RESOLUTION

- In FY 2018, 66 complaints have been opened year-to-date in various stages of the complaint process: 21 court reporters, 34 process servers, 7 guardians, and 4 licensed court interpreter complaints.
- Process Server Complaint Review Committee meetings were held on March 15, 2018, and June 7, 2018. The next meeting is scheduled for September 27, 2018.
- Court Reporter Complaint Review Committee meeting was held on March 9, 2018. The next meeting is scheduled for September 21, 2018.
- Guardian Complaint Review Committee meeting is scheduled for August 29, 2018.

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#### DEVELOPMENT OF THE NEW CODES OF ETHICS AND STANDARDS BY THE JBCC

- On April 12, 2018, the Supreme Court of Texas adopted the [order approving the JBCC Rules and Court Reporter Code of Ethics \(Misc. Docket No. 18-9060\)](#).
- The updated JBCC rules and Court Reporter Code of Ethics were adopted by the Supreme Court (implementing SB36 – Zaffirini / S. Thompson, SB43 – Zaffirini / Murr, and SB1096 – Zaffirini / Smithee) following a lengthy collaboration with our stakeholders, regulated professions, Advisory Boards and Commission members.

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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 May 8, JBCC staff administered the guardianship written examination for certification to 26 candidates.
- On May 14, 2018, JBCC staff administered 41 oral and 46 written Licensed Court Interpreter examinations.

ADDITIONAL PROJECTS FOR THE JBCC

On June 1, 2018, the JBCC went live with the implementation of SB 1096 (Zaffirini / Smithee), registering guardianship information, training and criminal histories for guardians. Throughout the implementation process our team collaborated with the Commission and advisory boards, judges, attorneys, courts, clerks, interested stakeholders and the TGA. We developed and finalized the guardianship registration rules, guardianship training with NCSC, on-line registration system, website and worked with DPS on the criminal history process. Additional information below.

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. Through this program, Guardianship Compliance Specialists (GCS) will be 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. The GCP services are provided 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 June 6, 2018

	43/29	Courts and Counties involved in the guardianship compliance project
	27,834	Guardianship cases reviewed by the guardianship compliance project
	17,618	Guardianship cases recommended for closure with <b>3,215</b> deceased
	10,216	Active guardianship cases
	<b>2,568*</b>	Guardianship cases found to be out of compliance with statutorily required reporting
	<b>33%*</b>	Percentage of cases with missing reports of the person
	<b>42%*</b>	Percentage of cases with missing initial inventories



47%\*

Percentage of cases with missing annual accountings

\* Note: These statistics are reported for the 26 counties in which the initial review process has been completed. The number of active guardianships in those 26 counties totaled 6237. With 2,568 cases out of compliance with required reporting, the percentage of cases out of compliance is 41%.

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#### GUARDIANSHIP COMPLIANCE TRAINING AND OUTREACH

- August 23-25, 2018, invited to Texas College of Probate Judges in San Antonio, Texas.
- June 8, 2018, Jeff Rinard made a presentation to the Bexar County Probate Courts, Clerk staff and attorneys on the JBCC, GCP, and new guardianship registration requirements, webpage on online registration system
- May 2-3, 2018, Texas College of Probate Judges in Galveston, Texas
- May 9-10, 2018, Texas Guardianship Association in Houston, Texas.
- May 9-10, 2018, TAC Probate Academy for County Judges and Clerks in Galveston, Texas.
- April 11, 2018, TAC Court Assistants Training Conference in Frisco, Texas.
- September 7, 2017, Jeff Rinard attended the Texas Guardianship Symposium, in Lubbock, and spoke to a group of attorneys, court staff and clerk staff on the GCP, SB 1096 and SB 36.
- August 25, 2017, Jeff Rinard attended the Texas College of Probate Judges, in San Antonio, and spoke to a group of attorneys, court staff and clerk staff on the GCP, SB 1096 and SB 36.
- December 2017 and January 2018, GCP and JBCC staff attended HHSC guardianship training.
- May 26 and 27, 2016, Guardianship Compliance team attended the Guardianship and Elder Law CLE in Austin.

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#### GUARDIANSHIP COMPLIANCE PARTICIPATING COUNTIES

Hays, Guadalupe, Webb, Comal, Anderson, Montgomery, Orange, Tom Green, Kaufman, Lubbock, Bexar, Washington, Jefferson, Hale, Potter, Hill, Grimes, Waller, Lynn, Cameron, Williamson, El Paso and Bell counties have participated in guardianship compliance project. Bee, Liberty, Caldwell, Dickens and Palo Pinto have requested our assistance. Follow up reviews in Webb and Lubbock Counties have commenced.

- 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.

## 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, 2018, PRIOR TO BEING APPOINTED GUARDIAN, YOU MUST:

- Apply to register online with the JBCC certification, registration & licensing system.
- After completing and submitting the guardianship registration information to the JBCC, complete the Guardianship Training Module. Online training is available on the [Guardianship Training page](#).
- All persons applying for appointment as guardian are subject to a criminal history background check by the JBCC. Criminal History information is available on the [Criminal History page](#).
- Attorneys, certified guardians, and corporate fiduciaries are not required to have a criminal history background check conducted or complete the guardianship training module.
- All information contained in the Guardianship Registration is confidential and is not searchable by the public.
- If you have any questions, please contact the JBCC at [jbccguardianregistration@txcourts.gov](mailto:jbccguardianregistration@txcourts.gov).



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

- JBCC has authority to register and monitor guardianship programs similar to JBCC’s oversight of court reporting firms.
- This would allow 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.
- Will add registered programs in on-line system to go-live September 1, 2018.
- JBCC Rules were developed with advisory boards and interested stakeholders. JBCC rules were posted for public comment.
- On April 12, 2018, 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 79<sup>th</sup> Legislative Session. 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 April 20, 2018. Commissioners considered a variety of matters including complaints and laboratory self-disclosures, the development of rulemaking to support the forensic analyst licensing program, and issued investigative reports. All Commission quarterly meetings are open to the public and livestreamed with the support of OCA's IT division.