

TEXAS SENATE BILL 42

JUDGE JULIE KOCUREK JUDICIAL AND COURTHOUSE SECURITY ACT OF 2017

AN ACT relating to the security of courts and judges in the state; establishing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017.

SECTION 2. Article 102.017(f), Code of Criminal Procedure, is amended to read as follows:

(f) The sheriff, constable, or other law enforcement agency or entity that provides security for a court shall provide to the Office of Court Administration of the Texas Judicial System a written report regarding any security incident involving court security that occurs in or around a building housing a court for which the sheriff, constable, agency, or entity provides security not later than the third business day after the date the incident occurred. A copy of the report must be provided to the presiding judge of the court in which the incident occurred. The report is confidential and exempt from disclosure under Chapter 552, Government Code.

SECTION 3. Subchapter A, Chapter 29, Government Code, is amended by adding Section 29.014 to read as follows:

Sec. 29.014. COURT SECURITY COMMITTEE. (a) The presiding or municipal judge, as applicable, shall establish a court security committee composed of:

- (1) the presiding or municipal judge, or the judge's designee;
- (2) a representative of the law enforcement agency or other entity that provides the primary security for the court;
- (3) a representative of the municipality; and
- (4) any other person the committee determines necessary to assist the committee.

(b) The person described by Subsection (a)(1) serves as presiding officer of the committee.

(c) The committee shall establish the policies and procedures necessary to provide adequate security to the municipal courts served by the presiding or municipal judge, as applicable.

(d) A committee may recommend to the municipality the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 4. Section 30.00007, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The presiding judge shall:

(1) maintain a central docket for cases filed within the territorial limits of the municipality over which the municipal courts of record have jurisdiction;

(2) provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the courts;

(3) request the jurors needed for cases that are set for trial by jury;

(4) temporarily assign judges or substitute judges to exchange benches and to act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the courts;

(5) supervise and control the operation and clerical functions of the administrative department of each court, including the court's personnel, during the proceedings of the court; and

(6) establish a court security committee to adopt security policies and procedures for the courts served by the presiding judge that is composed of:

(A) the presiding judge, or the presiding judge's designee, who serves as presiding officer of the committee;

(B) a representative of the law enforcement agency or other entity that provides the primary security for the court;

(C) a representative of the municipality; and

(D) any other person the committee determines necessary to assist the committee.

(c) A court security committee may recommend to the governing body the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 5. Chapter 51, Government Code, is amended by adding Subchapter N to read as follows:

SUBCHAPTER N. ADDITIONAL FILING FEE FOR JUDICIAL AND COURT PERSONNEL TRAINING

Sec. 51.971. JUDICIAL AND COURT PERSONNEL TRAINING FEE.

(a) In addition to other fees authorized or required by law, the clerk of a district court, county court, statutory county court, statutory probate court, or justice court shall collect a \$5 fee on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim,

cross-action, intervention, interpleader, or third party action requiring a filing fee to be used as provided under Section 56.003.

(b) A court may waive payment of a fee due under this section for an individual the court determines is indigent.

(c) Fees due under this section shall be collected in the same manner as other fees, fines, or costs in the case.

(d) The clerk of a district court, county court, statutory county court, statutory probate court, or justice court shall deposit the court costs and fees collected under this section in the appropriate local treasury and remit the court costs and fees to the comptroller in the manner provided under Subchapter B, Chapter 133, Local Government Code.

(e) The comptroller shall deposit the fees received under this section to the credit of the judicial and court personnel training fund established under Section 56.001.

(f) The comptroller may audit the records of a county related to costs and fees collected under this section.

(g) Money spent from costs and fees collected under this section is subject to audit by the state auditor.

SECTION 6. Section 56.003, Government Code, is amended by adding Subsection (h) to read as follows:

(h) The court of criminal appeals shall grant legal funds to statewide professional associations and other entities that provide training to individuals responsible for providing court security.

SECTION 7. Section 56.004(b), Government Code, is amended to read as follows:

(b) The legislature shall appropriate funds from the judicial and court personnel training fund to the court of criminal appeals to provide for:

(1) continuing legal education, technical assistance, and other support programs for prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters and their personnel, and justices of the peace and their court personnel; (2) innocence training programs for law enforcement officers, law students, and other participants; and

(3) court security training programs for individuals responsible for providing court security.

SECTION 8. Subchapter B, Chapter 72, Government Code, is amended by adding Sections 72.015 and 72.016 to read as follows:

Sec. 72.015. JUDICIAL SECURITY DIVISION. (a) The office shall establish a judicial security division to provide guidance to state court personnel on improving security for each court.

(b) The office shall appoint a director of security and emergency preparedness to oversee the judicial security division.

(c) The judicial security division shall:

(1) serve as a central resource for information on local and national best practices for court security and the safety of court personnel;

(2) provide an expert opinion on the technical aspects of court security; and

(3) keep abreast of and provide training on recent court security improvements.

Sec. 72.016. NOTIFICATION PROCEDURE FOR JUDICIAL PRIVACY.

The director shall develop a procedure to regularly notify county registrars, the Department of Public Safety, the Texas Ethics Commission, and any other state agency the office determines should be notified of the judges, judges' spouses, and related family members whose personal information must be kept from public records, as provided under Sections 552.117 and 572.035 of this code, Sections 13.0021 and 15.0215, Election Code, and Section 521.121, Transportation Code.

SECTION 9. Section 74.092, Government Code, is amended to read as follows:

Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A local administrative judge, for the courts for which the judge serves as local administrative judge, shall:

(1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;

(2) appoint any special or standing committees necessary or desirable for court management and administration;

(3) promulgate local rules of administration if the other judges do not act by a majority vote;

(4) recommend to the regional presiding judge any needs for assignment from outside the county to dispose of court caseloads;

(5) supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration;

(6) provide the supreme court and the office of court administration requested statistical and management information;

(7) set the hours and places for holding court in the county;

(8) supervise the employment and performance of nonjudicial personnel;

- (9) supervise the budget and fiscal matters of the local courts, subject to local rules of administration;
 - (10) coordinate and cooperate with any other local administrative judge in the district in the assignment of cases in the courts ' concurrent jurisdiction for the efficient operation of the court system and the effective administration of justice;
 - (11) if requested by the courts the judge serves, establish and maintain the lists required by Section 37.003 and ensure appointments are made from the lists in accordance with Section 37.004;
 - (12) perform other duties as may be directed by the chief justice or a regional presiding judge; and
 - (13) establish a court security committee to adopt security policies and procedures for the courts served by the local administrative district judge that is composed of:
 - (A) the local administrative district judge, or the judge's designee, who serves as presiding officer of the committee;
 - (B) a representative of the sheriff's office;
 - (C) a representative of the county commissioners court;
 - (D) one judge of each type of court in the county other than a municipal court or a municipal court of record;
 - (E) a representative of any county attorney's office, district attorney's office, or criminal district attorney's office that serves in the applicable courts; and
 - (F) any other person the committee determines necessary to assist the committee.
- (b) A court security committee may recommend to the county commissioners court the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

SECTION 10. Subchapter D, Chapter 101, Government Code, is amended by adding Section 101.06111 to read as follows:

Sec. 101.06111. ADDITIONAL DISTRICT COURT FEES: GOVERNMENT CODE. The clerk of a district court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 11. Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08111 to read as follows:

Sec. 101.08111. ADDITIONAL STATUTORY COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a statutory county court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 12. Subchapter F, Chapter 101, Government Code, is amended by adding Section 101.10111 to read as follows:

Sec. 101.10111. ADDITIONAL STATUTORY PROBATE COURT FEES: GOVERNMENT CODE. The clerk of a statutory probate court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 13. Subchapter G, Chapter 101, Government Code, is amended by adding Section 101.12121 to read as follows:

Sec. 101.12121. ADDITIONAL COUNTY COURT FEES: GOVERNMENT CODE. The clerk of a county court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 14. Subchapter H, Chapter 101, Government Code, is amended by adding Section 101.1411 to read as follows:

Sec. 101.1411. ADDITIONAL JUSTICE COURT FEES: GOVERNMENT CODE. The clerk of a justice court shall collect an additional filing fee of \$5 under Section 51.971 in civil cases to fund judicial and court personnel training.

SECTION 15. Subtitle L, Title 2, Government Code, is amended by adding Chapter 158 to read as follows:

CHAPTER 158. COURT SECURITY OFFICERS

Sec. 158.001. DEFINITION. In this chapter, "court security officer" means a constable, sheriff, sheriff's deputy, municipal peace officer, or any other person assigned to provide security for an appellate, district, statutory county, county, municipal, or justice court in this state.

Sec. 158.002. COURT SECURITY CERTIFICATION. (a) Except as provided by Subsection (b), a person may not serve as a court security officer for an appellate, district, statutory county, county, municipal, or justice court in this state unless the person holds a court security certification issued by a training program approved by the Texas Commission on Law Enforcement.

(b) A court security officer is not required to hold a court security certification to provide security to a court described by Subsection (a) before the first anniversary of the date the officer begins providing security for the court.

Sec. 158.003. VERIFICATION. The sheriff, constable, law enforcement agency, or other entity that provides security for a court shall verify that each court security officer holds the court security certification as required by this chapter.

SECTION 16. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.0485 to read as follows:

Sec. 411.0485. PROTECTION FOR JUDGES. Any commissioned peace officer in this state, including a commissioned officer of the department, may provide personal security to a state judge at any location in this state, regardless of the location of the law enforcement agency or department that employs or commissions the peace officer.

SECTION 17. Section 552.117(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175;

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(9) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with Section 552.024 or 552.1175;

(10) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(11) a current or former member of the Texas military forces, as that term is defined by Section 437.001;

(12) a current or former federal judge or state judge, as those terms are defined by Section 13.0021(a), Election Code, or a spouse of a current or former federal judge or state judge; or

(13) a current or former district attorney, criminal district attorney, or county attorney whose jurisdiction includes any criminal law or child protective services matter.

SECTION 18.AA Section 572.002, Government Code, is amended by adding Subdivision (11-a) to read as follows: (11-a)A "State judge" means:

(A)AAa judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, a county court at law, or a statutory probate court of this state;

(B)AAan associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter;

(C)AAa magistrate or associate judge appointed under Chapter 54 or 54A;

(D)AAa justice of the peace; or (E)Aa municipal court judge.

SECTION 19. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.035 to read as follows:

Sec. 572.035.AA REMOVAL OF PERSONAL INFORMATION FOR FEDERAL JUDGES, STATE JUDGES, AND SPOUSES. On receiving notice from the Office of Court Administration of the Texas Judicial System of the judge's qualification for the judge's office, the commission shall remove

or redact from any financial statement, or information derived from a financial statement, that is available to the public the residence address of a federal judge, a state judge, or the spouse of a federal or state judge.

SECTION 20. Section 13.0021(a)(2), Election Code, is amended to read as follows:

(2) "State judge" means:

(A) a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, a county court at law, or a statutory probate court of this state;

(B) an associate judge appointed under Chapter 201, Family Code, or a retired associate judge or former associate judge appointed under that chapter;

(C) a magistrate or associate judge appointed under Chapter 54 or 54A, Government Code;

(D) a justice of the peace; or

(E) a municipal court judge.

SECTION 21. Section 13.0021(b), Election Code, is amended to read as follows:

(b) If the registration applicant is a federal judge, a state judge, or the spouse of a state judge or a federal judge, the registrar of the county shall omit the applicant's residence address from the registration list.

SECTION 22. Section 15.0215, Election Code, is amended to read as follows:

Sec. 15.0215. OMISSION OF ADDRESS FOR FEDERAL JUDGE OR STATE JUDGE AND SPOUSE. (a) In this section, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

(b) On receiving notice from the Office of Court Administration of the Texas Judicial System of the person's qualification for office as a federal judge or state judge and of the name of the judge's spouse, if applicable, the registrar of the county in which the judge resides shall omit from the registration list the residence address of the judge and the spouse of the judge.

(c) A registered district voter who wishes to verify that an elected judge whose personal identifying information is confidential under Section 552.1175, Government Code, resides in the district may request in writing that the registrar certify the judge lives in the district. The registrar shall exercise due diligence in determining the residence of the judge and respond to the voter in writing not later than the 10th business day after the date the request is received on whether the judge resides in the district. The registrar may not release the address of the

judge. The registrar is not required to certify the residence of the same judge more than once in a calendar year, but must provide copies of the certification to subsequent requestors.

SECTION 23. Section 133.058(d), Local Government Code, is amended to read as follows:

(d) A county may not retain a service fee on the collection of a fee:

- (1) for the judicial fund;
- (2) under Article 42A.303 or 42A.653, Code of Criminal Procedure;
- (3) under Section 51.851, Government Code; or
- (4) under Section 51.971, Government Code.

SECTION 24. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.267 to read as follows:

Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY OFFICERS.

(a) The commission, in consultation with the Office of Court Administration of the Texas Judicial System, shall develop a model court security curriculum for court security officers, as required by Chapter 158, Government Code, and provide the curriculum to any training program the commission approves to provide training to court security officers.

(b) The commission shall issue a certificate to each court security officer who completes the training program under this section.

SECTION 25. Section 11.008, Property Code, is amended by adding Subsection (j) to read as follows:

(j) On receipt of a written request from a federal judge, state judge as defined by Section 572.002, Government Code, or spouse of a federal or state judge, the county clerk shall omit or redact from an instrument described by this section that is available in an online database made public by the county clerk, or by a provider with which the county commissioners court contracts to provide the online database, social security number, driver's license number, and residence address of the federal judge, state judge, or spouse of the federal or state judge.

SECTION 26. Section 25.025(b), Tax Code, is amended to read as follows:

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

- (1) the information identifies the home address of a named individual to whom this section applies; and

(2) the individual:

(A) chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07; or

(B) is a federal or state judge as defined by Section 572.002, Government Code, or the spouse of a federal or state judge, beginning on the date the Office of Court Administration of the Texas Judicial System notifies the appraisal district of the judge's qualification for the judge's office.

SECTION 27. AA Section 521.121(c), Transportation Code, is amended to read as follows:

(c) AA The department shall establish a procedure, on a license holder's qualification for office as a federal or state judge as defined by Section 572.002, Government Code, to omit the residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge.

SECTION 28. (a) Not later than January 1, 2018, the Office of Court Administration of the Texas Judicial System, the Department of Public Safety, the Texas Ethics Commission, each county clerk, each registrar, and any other county official responsible for county records shall establish the policies and procedures necessary to comply with the changes in law made by this Act.

(b) As soon as practicable after the effective date of this Act:

(1) the Office of Court Administration of the Texas Judicial System shall establish the judicial security division; and

(2) each judge required to establish a court security committee under this Act shall establish the committee.

SECTION 29. Section 51.607, Government Code, does not apply to the imposition of a fee assessed under Section 51.971(a), Government Code, as added by this Act.

SECTION 30. A person serving as a court security officer as defined under Section 158.001, Government Code, as added by this Act, on the effective date of this Act is not required to receive the certification required under Section 158.002, Government Code, as added by this Act, before September 1, 2019.

SECTION 31. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 42 passed the Senate on April 4, 2017, by the following vote: Yeas 26, Nays 5; and that the Senate concurred in House amendment on May 22, 2017, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

I hereby certify that S.B. No. 42 passed the House, with amendment, on May 17, 2017, by the following vote: Yeas 140, Nays 3, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor