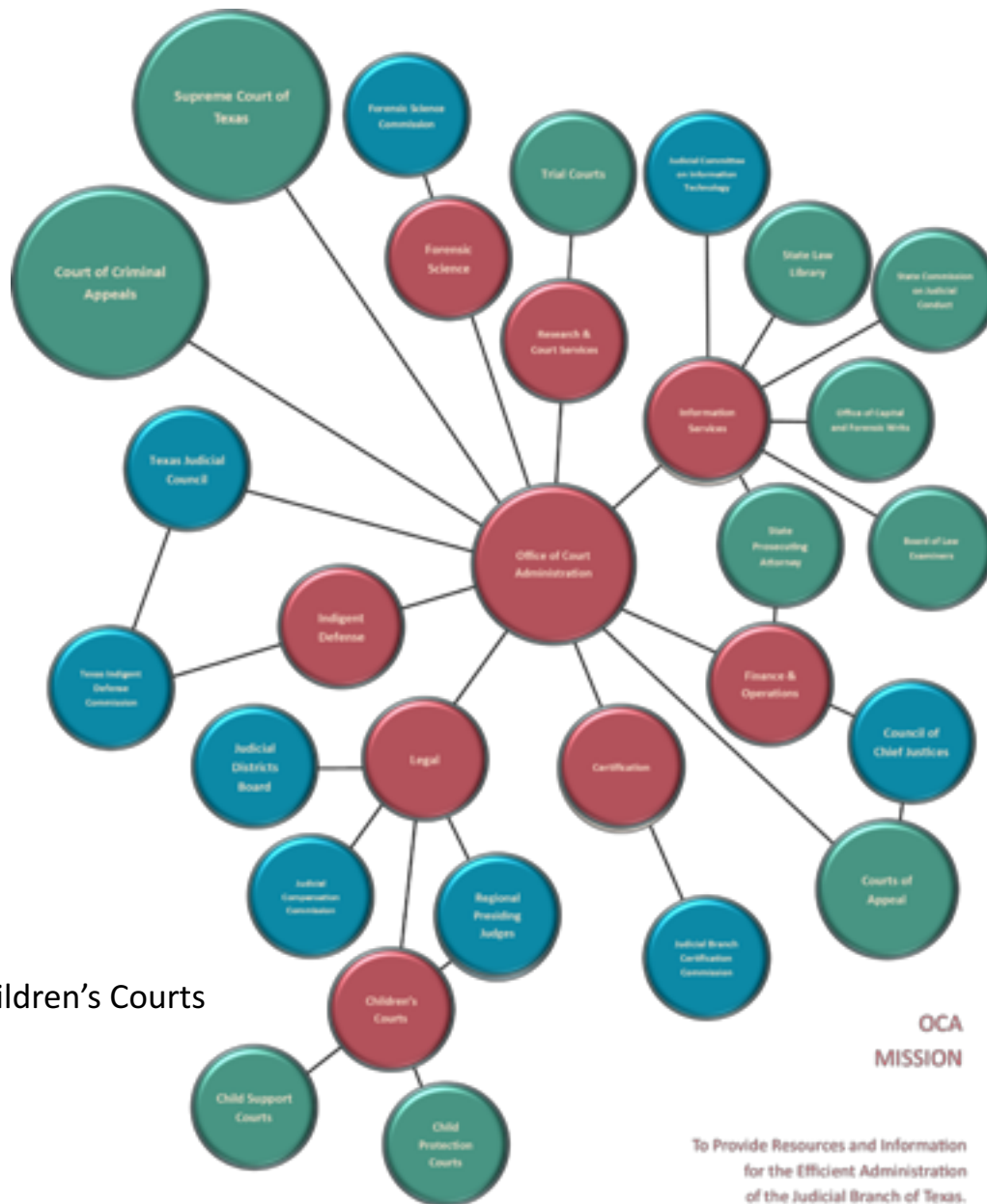


House Criminal Jurisprudence Committee  
Invited Testimony  
February 11, 2019



Office of Court Administration, Texas Judicial Council  
Megan LaVoie  
Director of Public Affairs/Special Counsel



OCA  
MISSION

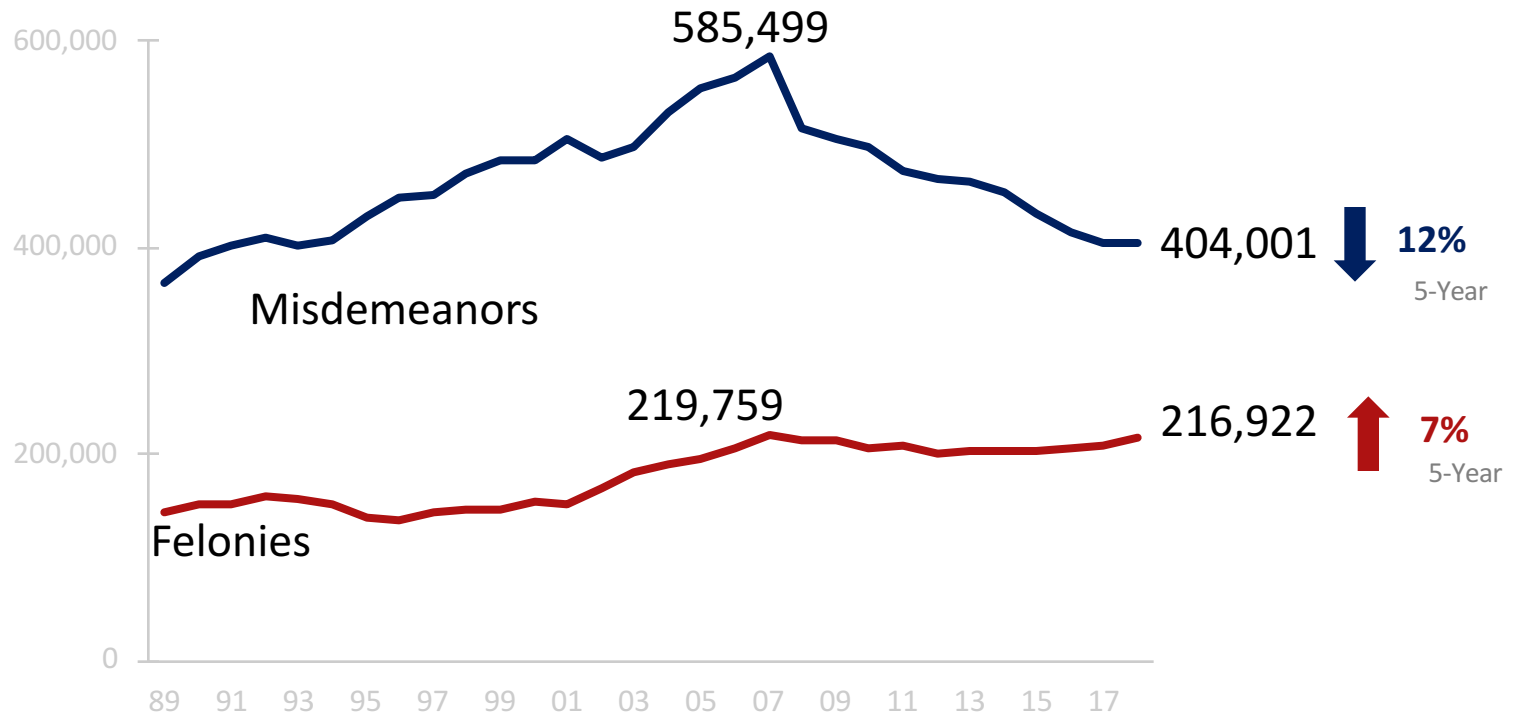
To Provide Resources and Information  
for the Efficient Administration  
of the Judicial Branch of Texas.

Total FTEs = 236.6 \*

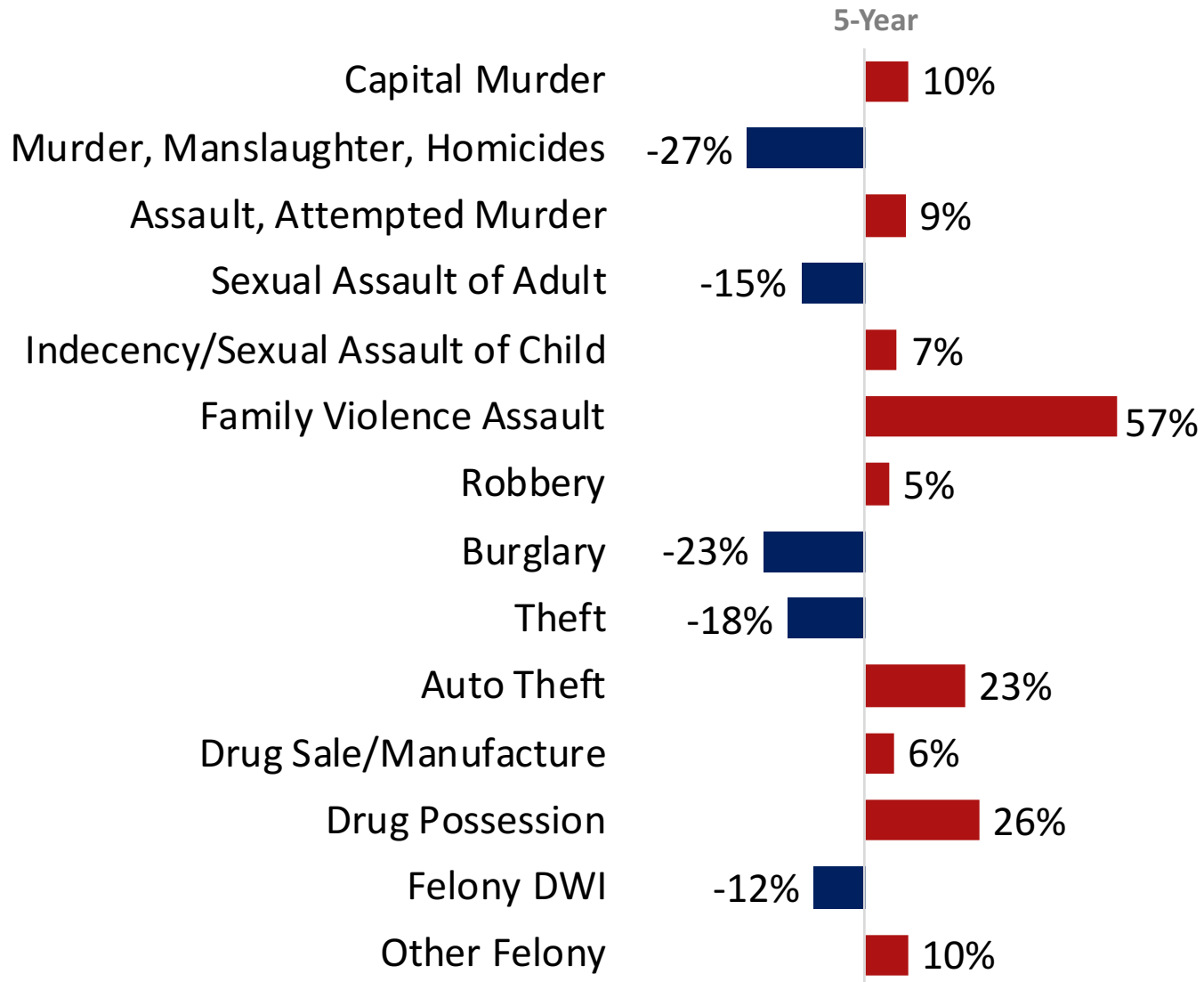
\*137.4 FTEs (58%) in Children's Courts



The number of new **misdemeanor** cases filed has fallen 31 percent from a high in 2007 to the lowest filing rate since 1993. The number of new **felony** cases filed increased each year since 2014 and reached a filing rate in 2018 that was second only to the peak in 2007.

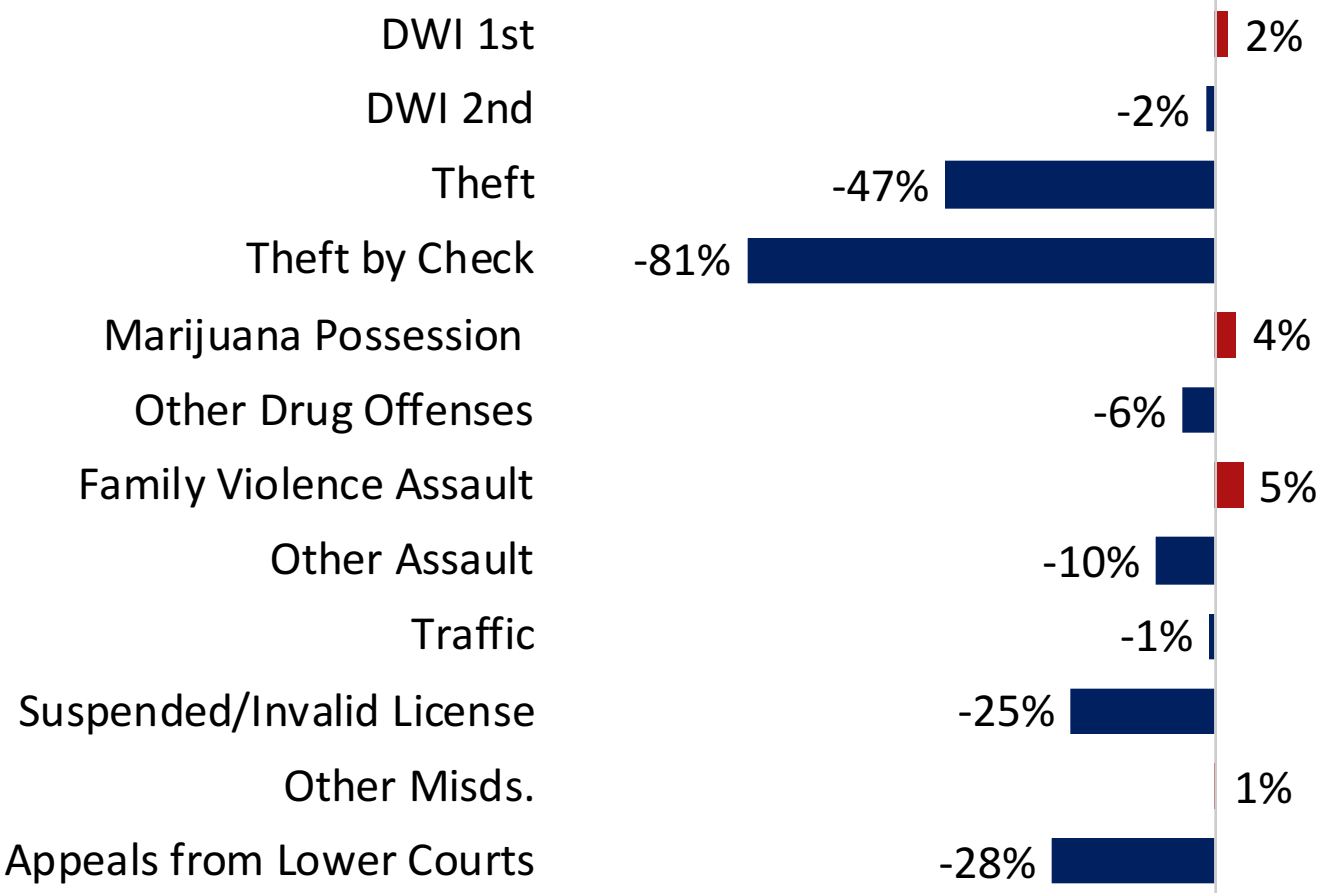


# Felony Filings



# Misdemeanor Filings

5-Year



# Texas Judicial Council

- The Texas Judicial Council is the policy-making body for the state judiciary.
- Created by statute in 1929.
- The Council studies methods to simplify judicial procedures, expedite court business, and better administer justice.
- It examines the work accomplished by the courts and submits recommendations for improvement of the system to the Legislature, the Governor and the Supreme Court.
- Composed of 16 ex-officio and six appointed members.
- Chaired by the Chief Justice of the Supreme Court with the Presiding Judge of the Court of Criminal Appeals as Vice-Chair.
- OCA Administrative Director serves as Executive Director.

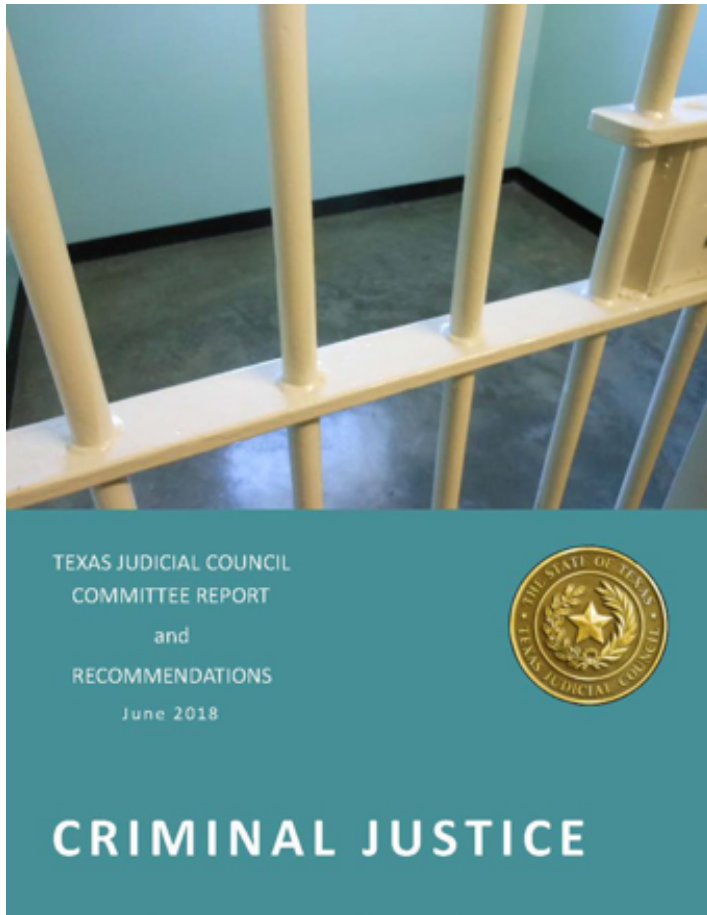


# Texas Judicial Council Efforts & Accomplishments

- **Data Collection Improvements**
- **Juvenile Justice**
  - School ticketing reform - 2013
  - Decriminalization of failure to attend school - 2015
- **Guardianship**
  - Strengthened guardianship alternatives and procedures in guardianship cases - 2015
- **Mental Health Revisions**
  - Screening protocols, competency restoration, jail diversion - 2017 and Current
- **Criminal Court Cost Assessment - 2017**
- **Courthouse Security Enhancements - 2017**
- **Civil Justice System Improvements - Current**
- **Modernizing Bail and Pretrial System - Current**
- **Elder and Incapacitated Adult Exploitation Protections - Current**



# Texas Judicial Council Legislative Recommendations



- Bail Modernization
- Increased Specialty Court Oversight
- Create an Opioid Task Force
- Statewide Case Management System to assist with NICS Entry and Transparency





## PRETRIAL RELEASE IN TEXAS



In the past 25 years, the pretrial population in Texas jails has risen from just over 32 percent of the population to almost **75 % OF THE POPULATION.**

25 Texas counties report doing pretrial risk assessment, but **ONLY 5 USE A VALIDATED INSTRUMENT** that can reliably predict defendants' risk of flight and threat to public.



The average cost per day to house an inmate in a Texas county jail is **\$60.12**. With a population of 41,243 individuals being held in Texas jails as of June 1, 2016, the cost per day to local governments is **\$2,479,529**, making the annual cost to local governments to house pretrial inmates **\$905,028,085**.

**ONLY 31 % OF JUDGES** feel their pretrial release decision definitely promotes public safety.

**ONLY 26 %** believe it promotes a defendant's appearance in court.



OFFICE OF COURT ADMINISTRATION

To see the Annual Statistical Report for the Texas Judiciary FY 2016, visit:  
<http://www.txcourts.gov/media/1436989/annual-statistical-report-for-the-texas-judiciary-fy-2016.pdf>

## Texas Judicial Council Legislative Recommendations on Bail

1. Require defendants arrested for jailable misdemeanors and felonies to be assessed using a validated pretrial risk assessment prior to an appearance before a magistrate.
2. Amend the Texas Constitution and statutes to allow for preventive detention.
  - Defendants that pose a high flight risk or high risk to community safety may be held in jail without bond pending trial after certain findings are made by a magistrate and a detention hearing is held.
3. Require additional training and certification on magistration and bail setting responsibilities for all judges involved in setting bail.
  - Recommendations in HB 1323/SB 628 and HJR 62/SJR 37

