

Legislative Update

87th Texas Legislature

Megan LaVoie
Director of Public Affairs and Special Counsel
Office of Court Administration
4/9/2021

OFFICE *of* COURT ADMINISTRATION



Session Statistics

Bills Filed

Chamber	86 th Legislative Session	87 th Legislative Session
House	4,773	4,728
Senate	2,508	2,191
Total	7,281	6,919



Criminal Justice Committee Recommendations

BAIL

HB 20 (Rep. Murr)

- Requires OCA to develop and Judges use **validated pretrial risk assessment**
- Allows judges to hold high risk, potentially violent defendants **without bail**
- Reduces types of offenses judges can **release defendants for on personal bond**
- Verify system is working through **data collection**
- Increases **training requirements** for magistrates

HJR 4 (Rep. Kacal)

- Constitutional Amendment to implement Preventative Detention



Criminal Justice Committee Recommendations

YOUTH CLASS C DIVERSION

HB 3660 (Rep. White)/SB 512 (Sen. Perry)

- Allows youth charged with Class C fine-only offenses to be handled similarly to the way more serious offenses are handled
- Provides diversion opportunities
 - Examples include participating in alcohol awareness programs, tobacco awareness programs and work and jobs skills training
- More than **45,852** non-traffic Class C fine-only offenses filed against juveniles in 2019



Criminal Justice Committee Recommendations

MENTAL HEALTH

- **SB 1739 (Sen. Zaffirini)/ HB 4212 (Rep. Moody)**
 - Contains 11 proposals from the Judicial Commission on Mental Health's Legislative Committee
 - Improves clarity, efficiency and consistency with existing statutes or case law
- **SB 1511 (Sen. Zaffirini)/HB 3977 (Rep. Moody)**
 - Emergency Detention Recommendations from Judicial Commission on Mental Health



Public Trust and Confidence Committee Recommendations

REMOTE HEARINGS

- SB 690 (Sen. Zaffirini)/ HB 3611 (Rep. Leach)
- Removes barriers to holding remote proceedings outside of Disaster Declaration and SCOTX Emergency Orders

CIVICS EDUCATION

- SB 1740 (Sen. Zaffirini)
- Increases civic training requirements for social studies teachers and curriculum requirements for students



Civil Justice Committee Recommendations

BASIC NEEDS EXEMPTION

- SB 644 (Sen. Zaffirini)/HB 3613 (Rep. Leach)
- Adopts a basic needs exemption to allow people to meet basic needs while repaying old debts
- Creates an easy to navigate process for people to challenge wrongful seizure of exempt funds

CIVIL FILING FEES

- SB 41 (Sen. Zaffirini)/ HB 4417 (Rep. Moody)
- Simplifies and consolidates the civil court filing fee system to remedy potential constitutional issues and make it easier for clerks to administer



TJC Committee Recommendations

GUARDIANSHIP

- SB 691 (Sen. Zaffirini)/ HB 79 (Rep. Murr)
- Creates specialized courts similar to child protection courts to hear guardianship cases
- SB 960 (Sen. Zaffirini)
- Creates a pilot program to establish public guardians

BUSINESS COURTS

- HB 1875 (Rep. Landgraf)
- Creates business court and court of appeals



TJC Committee Recommendations

CASE LEVEL DATA

- HB 3334 (Rep. Turner)
- Creates a sentencing database requiring OCA/TJC to collect case level data
- HB 1930 (Rep. Walle)
- Requires OCA to collect case level data on evictions
- HB 4335 (Rep. Ordaz Perez)
- Requires TJC to collect case level data



Bills of Interest

- SB 11 (Sen. Huffman)
- Reorganizes Courts of Appeals from 14 to 7

- SB 1529 (Sen. Huffman)
- Creates the Texas Court of Appeals – Statewide Court

- HB 3774 (Rep. Leach)/ SB 1530 (Sen. Huffman)
- Court omnibus bill to create new courts and make procedural and administrative changes to the court system



Judiciary Budget Highlights

- Introduced bills in both chambers restored 5% cuts to Supreme Court, Court of Criminal Appeals and Appellate Courts

Senate CSSB1

- \$919 million for the Judiciary – 0.4% of the entire state budget
- 5% cuts restored to Guardianship Abuse Fraud and Exploitation Deterrence Program
- Funding remains at current 2020-21 levels for most programs in the judiciary



Judiciary Budget Highlights

House Adopted Decisions

- Additional \$4 million for Basic Civil Legal Services (requested \$8 million)
- Restored \$300K in travel cuts to Child Protection and Child Support Courts
- Restored \$4.5 million in cuts to TIDC
- Many items moved to Article XI due to federal funding unknowns
- \$6.8 million in additional visiting judge funds to address backlogs due to COVID-19 moved to Article XI

