

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Criminal Justice Committee Enhancing Court Security Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Criminal Justice Committee is charged with studying ways to improve court and personal security for judges and court staff and recommending any necessary reforms; and

WHEREAS, according to the Office of Court Administration's Court Security Division, there were 448 reported court security incidents in Texas in 2023, and of these incidents, almost 20 were bomb threats and nearly 90 were threats leveled against judges, court staff, or court participants; and

WHEREAS, the Court Security Division has focused a great deal of its messaging toward informing the judiciary and court support staff about the contemporary threat environment facing the judiciary and courthouses; and

WHEREAS, although the Court Security Division maintains a robust relationship with the Texas Department of Public Safety, the Texas Department of Criminal Justice, the United States Marshals Service, and relevant federal agencies and local entities to report and monitor judicial threats, more work remains to keep judicial public servants safe; and

WHEREAS, in our age of free-flowing data on the Internet, the non-consensual sharing of personally identifiable information (PII) can pose a very challenging security risk for judicial branch officers and court support staff, including the collection and distribution of judicial PII by "data brokers" that sell PII to interested parties; and

WHEREAS, in late 2022 the 117th Congress passed, and President Biden signed into law, the Daniel Aderl Judicial Security and Privacy Act, which in part regulates the distribution of federal judge PII by data brokers; and

WHEREAS, there is no state law equivalent in Texas to assist judicial branch officers and court support personnel in limiting the flow of judicial PII or assisting judicial officers in seeking the removal of this information; and

WHEREAS, in the past decade there have been several high-profile acts of violence aimed at judges across the country, including in Texas, in connection to the carrying out of judicial responsibilities; and

WHEREAS, at present there is limited legislation concerning threats against judicial officers and court staff, what constitutes a threat, who is responsible for investigating and tracking threats against judicial officers, and penalties related to judicial threats; and

WHEREAS, various entities play a role in court security without final authority over that security which, combined, makes threat deterrence, policy standardization, and threat training challenging for law enforcement; and

WHEREAS, the passage of legislation specific to courthouse security and judicial threats would address this challenge; and

WHEREAS, the 88th Legislature passed legislation protecting the PII of court support personnel maintained by governmental record holders from disclosure but that legislation was vetoed; and

WHEREAS, Governor Abbott indicated in his veto message that the bill was important and could be reconsidered in the future after property taxes were addressed by the 88th Legislature;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council recommends that the Legislature:

1. Pass legislation prohibiting online data brokers, upon the request of a judicial branch officer, County or District Clerk, and court support personnel, from posting and distributing online the personally identifiable information (PII) of the person affected, and authorizing the Office of Court Administration to act on behalf of

affected persons in coordinating the removal of judicial PII with online data brokers;

2. Amend various statutes to enhance penalties for crimes occurring at court facilities or crimes committed against judges and judicial personnel; and
3. Pass legislation protecting the PII of court support personnel and County or District Clerk maintained by governmental record holders from disclosure.

A handwritten signature in black ink, appearing to read "Nathan L. Hecht", written over a horizontal line.

Honorable Nathan L. Hecht
Chair, Texas Judicial Council