

Texas Judicial  
Council

**Judicial Policy:**  
Texas Judicial Council  
Recommendations for the  
86<sup>th</sup> Legislature

# Texas Judicial Council

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- 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.



# Texas Judicial Council Past Initiatives

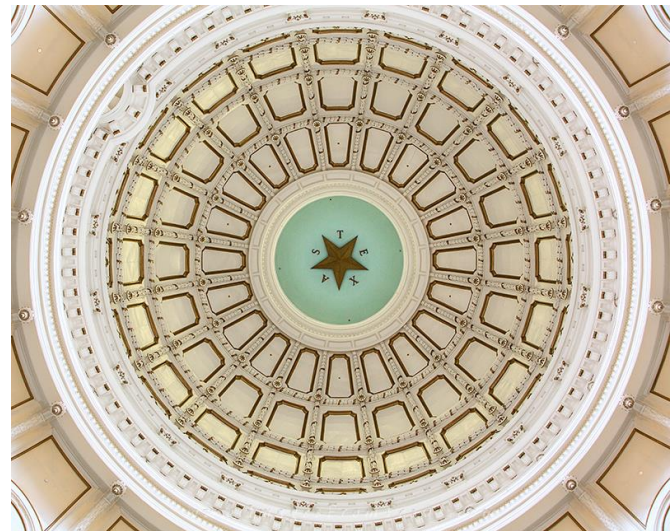
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- **Data Collection Improvements**
- **Juvenile Justice**
  - School ticketing reform - 2013
  - Decriminalization of failure to attend school - 2015
- **Guardianship**
  - Strengthened guardianship alternatives and procedures in guardianship cases - 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

# Legislative Recommendation Process

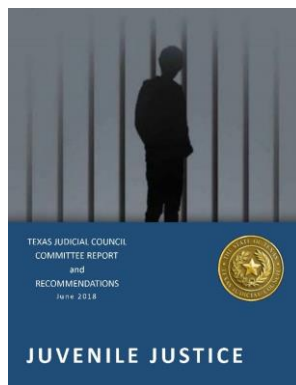
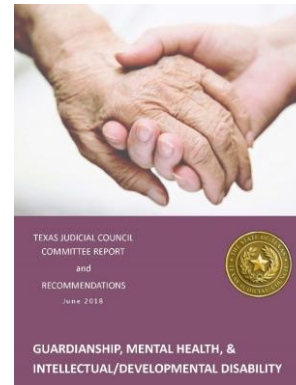
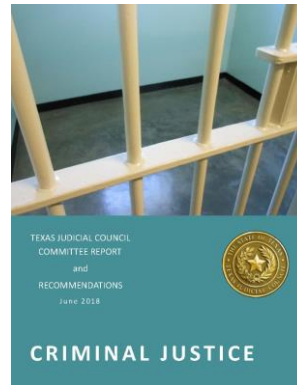
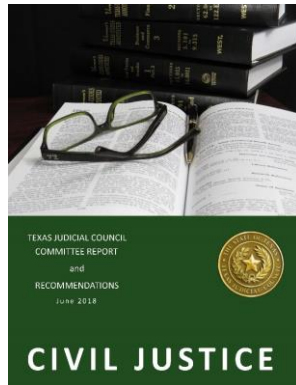
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- TJC Committees created in June 2017
  - Civil Justice
  - Criminal Justice
  - Guardianship, Mental Health and IDD
  - Juvenile Justice
  - Public Trust and Confidence
  - Data
- Committees met throughout the year and reports published and adopted in June 2018.
- Legislative Recommendations adopted in September 2018.



# Committee Reports

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Read and Download Reports:  
<http://www.txcourts.gov/tjc/>

## Legislative Priorities

As the policy making body of the Judicial Branch, the TJC regularly recommends to the legislature ways to improve the administration of justice in Texas. At its June 2018 meeting, the TJC endorsed the following proposals:



Improving Data Collection & Transparency



Improving the Judiciary's Response to Disasters



Enhancing Court Security



Improving Transparency from the State Commission on Judicial Conduct



Increasing Accountability in the Guardianship System



Supporting Specialty Courts



Combatting Opioid Abuse



Enhancing Public Safety through Modernization



Supporting Reforms Impacting Youth in State Custody



Addressing the Needs of Dually-Involved Youth



Ensuring Adequate Judicial Compensation



Supporting Funding for Civil Legal Aid in Texas



Ensuring Adequate Court Funding



Appropriating All Funds Collected for Improving Indigent Defense



Addressing the Needs of those with Mental Health Concerns



Improving the Civil Justice System



Addressing the Needs of Youth in Class C Misdemeanor Matters

# 1

## Improving Data Collection & Transparency

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- Fund the collection of relevant case level data by the Council to support **policy, planning, management, and budget** decisions for the justice system;
- Direct the Office of Court Administration to develop a single statewide case management system and provide full funding for the system to better facilitate and improve the collection, reporting, and use of court data. The system should:
  - assist with transmission of information to the National Instant Criminal Background Check System (NICS);
  - include the capability for courts to assign cases to tracks that require differing levels of judicial attention;
  - include a dashboard with tools that judges can use to manage cases better; and
  - include reporting tools to improve transparency regarding the movement of cases with the trial courts.



# 2

## Improving the Judiciary's Response to Disasters

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- Give the Supreme Court the discretion to issue orders modifying or suspending court procedures for up to 90 days for an initial emergency order and up to 60 days for each renewal order.
  - Permit the Chief Justice of the Supreme Court of Texas to authorize renewals of emergency orders without requiring a full vote of the Court
- Assist courts in times of disaster by providing them a regional source to turn to, such as the presiding judge of the administrative judicial region, when they seek authorization to operate in another precinct, district or county during a time of disaster.
- Explicitly authorize district courts to hold court outside of the county seat at a facility, even when there is not a disaster.
- Authorize the presiding judge of the administrative regions to modify court hours and operation schedules during times of disaster, including docket schedules and jury duty reporting.
- Bill filed – SB 40 by Sen. Zaffirini





# 3

## Enhancing Court Security

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- Amend statutes to keep a judge's home address confidential in campaign and ethics filing records.
- Provide resources to the Court Security Division of the Office of Court Administration to maintain and comply with requirements of the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017.
  - Court security incidents reported for FY 2018 to OCA were up 161% from FY 2017.

### OCA Court Security Division

Training and  
Technical  
Assistance

Security and  
Emergency  
Preparedness  
Assessments

Improvement  
Plans

Implements  
Privacy  
Protections for  
Judges



# 4

## Improving Transparency from the State Commission on Judicial Conduct

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### **Increase Transparency of the State Commission on Judicial Conduct by requiring:**

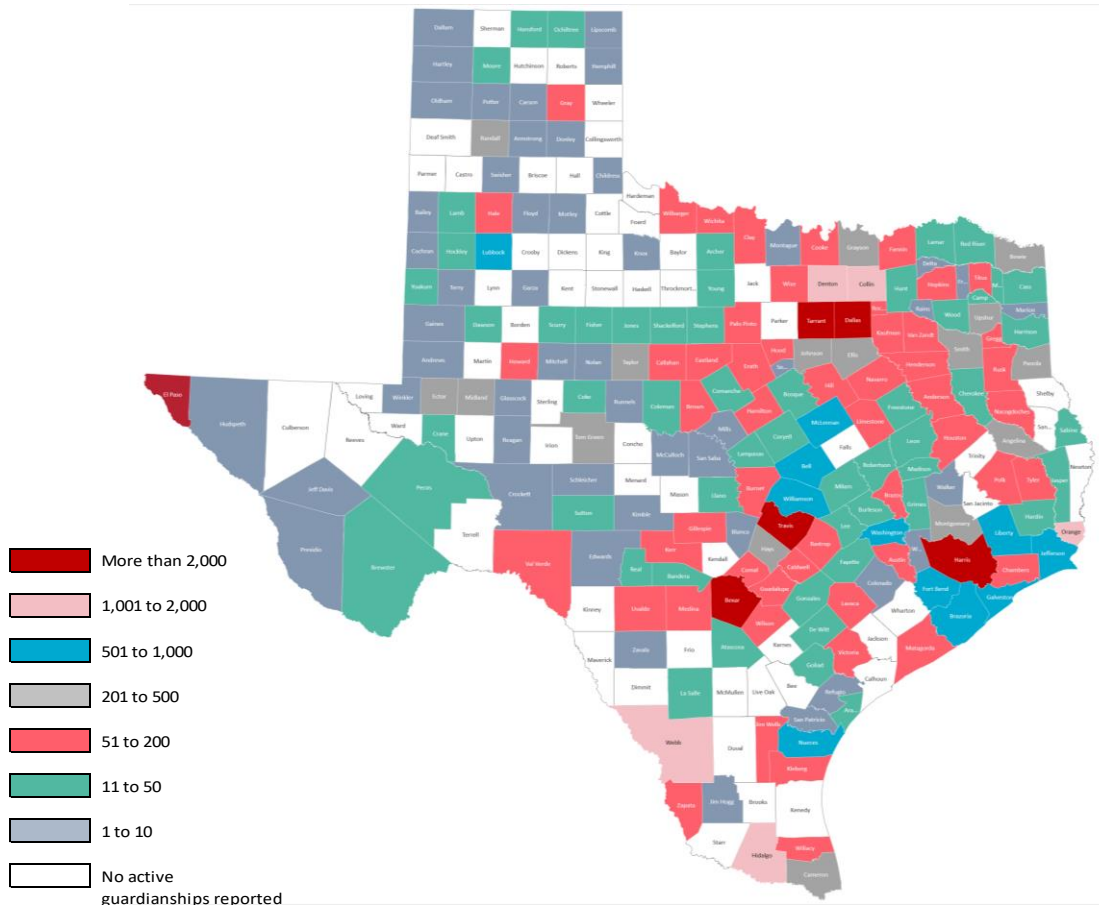
- Its annual report to include the number of complaints that have been deferred pending criminal investigation and the number of complaints referred to law enforcement;
- The Commission to include on its website an index of pending cases by case number that includes the current status of each case and the age of each pending case; and
- The Commission to post simple directions on its website with instructions about how to file a complaint, map out in clear and concise detail how a complaint makes its way through the process from filing to resolution, and clarify that confidentiality regarding a complaint applies to the Commission and not to the complainant.



# 5

## Increasing Accountability in the Guardianship System

Guardianships in Texas



### Recommendations

- Expand OCA's Guardianship Compliance Program Statewide – Bill Filed SB 31, Sen. Zaffirini
- Establish regional specialized guardianship courts
- Establish a statewide public guardianship office

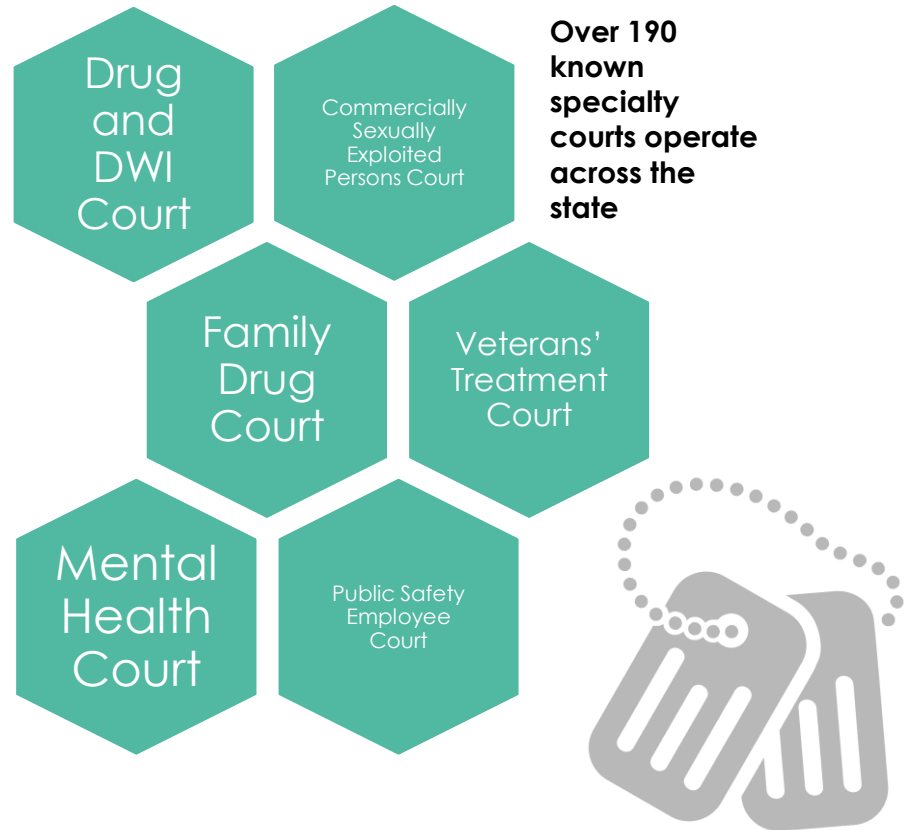


# 6

## Supporting Specialty Courts

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- Amend Title 2, Subtitle K of the Government Code to provide the Judicial Branch with increased oversight of specialty courts; and
- Appropriate funds to the Office of Court Administration for the development of a statewide specialty court case management system.



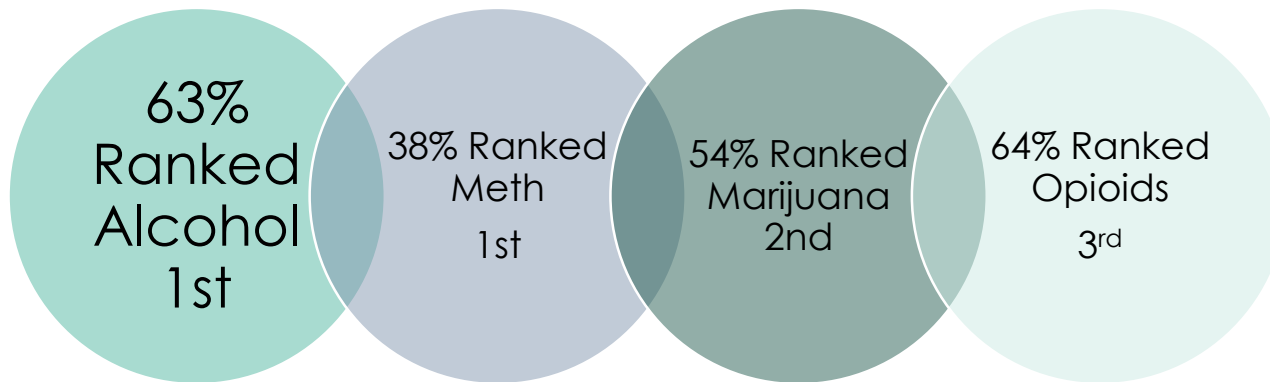
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## Combating Opioid Abuse

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- Establish a statewide Opioid Task Force to promote communication and collaboration between local and state leaders, experts, and advocates in confronting the opioid abuse and dependency epidemic as it crosses Texas.
- Collect relevant case level data from all court levels including magistrates, to generate more timely and detailed information to support policy, planning, management, and budget decisions for the justice system.

**Texas Judges Identified the top addictions they see in their courts in a Spring 2018 survey**



# 8

## Enhancing Public Safety through Modernization

### 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>

### Bail Modernization Recommendations

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.



# 9

## Supporting Reforms Impacting Youth in State Custody

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- Ensure that the Texas Juvenile Justice Department has sufficient flexibility to determine the appropriate placement of and treatment for youth committed to its custody;
- Clarify that the validated risk and needs assessment juvenile probation departments are required to use must be used before every disposition, including non-judicial dispositions, such as deferred prosecution; and
- Provide additional funds to local governments for diversionary and other intervention programs designed to ensure youth do not penetrate the juvenile justice system more deeply than risk and need dictate, and for rehabilitation programs for those youth on probation, in post adjudication placement, and committed to the Texas Juvenile Justice Department.

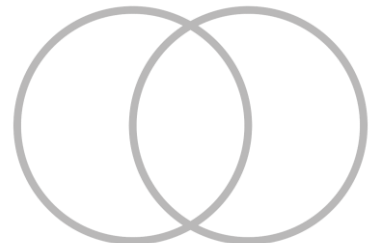


# 10

## Addressing the Needs of Dually-Involved Youth

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- Modify the data-sharing provisions of HB 932 (2017) and HB 1521 (2017) and require the automatic exchange of information between the Texas Juvenile Justice Department and the Department of Family and Protective Services;
- Revise the Texas Family Code and the Texas Government Code to expand the jurisdiction of Children's Courts to oversee cases involving dually-involved youth; and
- Revise the Texas Family Code to allow for the transfer of venue of a juvenile case from a court exercising juvenile jurisdiction to the court with venue over a youth's child welfare case.





## Ensuring Adequate Judicial Compensation

**Recommended Judicial Compensation**

	 CURRENT STATE SALARY	 PROPOSED STATE SALARY	 MAXIMUM COUNTY SUPPLEMENT <sup>2</sup>	 MAXIMUM TOTAL COMPENSATION	 % INCREASE ABOVE CURRENT TOTAL COMPENSATION
 Chief Justice - Supreme Court or Court of Criminal Appeals	\$170,500	\$195,700	n/a	\$195,700	15%
Justice - Supreme Court or Court of Criminal Appeals	\$168,000	\$193,200	n/a	\$193,200	15%
Chief - Court of Appeals (additional \$2,500 by statute)	\$156,500	\$179,600	up to \$11,100	\$190,700	15%
Justice - Court of Appeals	\$154,000	\$177,100	up to \$11,100	\$188,200	15%
District Judge	\$140,000	\$161,000	up to \$22,200	\$183,200	15%



# 12

## Supporting Funding for Civil Legal Aid in Texas

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### Legal Aid Facts

- There are more than 4 million people living below poverty level in Texas. Approximately 5.53 million Texans qualify for legal aid.
- To qualify for free civil legal services, an individual must not earn more than \$15,175 per year. A family of four must not earn more than \$31,375 per year.
- Legal aid organizations help more than 150,000 Texas families each year with their civil legal needs.
- Texas ranks 47th in access to legal aid lawyers.

### Recommendations

- Continued Funding for Basic Civil Legal Services - \$9.4 million per year
- Additional Funding for BCLS for Vets - \$1.5 million per year



# Ensuring Adequate Court Funding

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## Judiciary's 2020-2021 Requests for Additional Funding

- Increase in Judicial Compensation - \$28.5 million per year (60% related to judicial salaries)
- Continued Funding for Basic Civil Legal Services - \$9.4 million per year
- Additional Funding for BCLS for Vets - \$1.5 million per year
- Additional Funding for Criminal Indigent Defense - \$41.4 million + \$15 million ongoing
- Prevention of Fraud & Abuse in Guardianship Cases - \$2.4 million per year
- 9 new Child Protection Courts - \$1.8 million
- Funding for Child Support & Juvenile Justice Initiatives - \$500k per year
- Statewide Staff Attorney Pool for Trial Courts - \$350k per year
- Courthouse & Judicial Security Personnel - \$190k per year
- New staff for SCJC - \$204k per year
- Staff Salary Increases - \$1.6 million per year
- Statewide Case Management System - \$27.5 million + \$2.1 million ongoing
- Judicial Civics & Education Center - \$2.5 million



# 14

## Appropriating All Funds Collected for Improving Indigent Defense

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- Restoration of TIDC's estimated appropriation authority to the Texas Fair Defense Account so that fees collected for the purpose of improving indigent defense can be used for that purpose.
  - Cost - \$41.4 million + \$15 million ongoing



**Indigent Defense**

- ✓ Funding
- ✓ Reporting
- ✓ Improving

<http://tidc.texas.gov>

**TIDC**  
TEXAS INDIGENT DEFENSE COMMISSION

The graphic features a dark blue rectangular box on the left containing the text 'Indigent Defense' and a bulleted list of 'Funding', 'Reporting', and 'Improving'. Below the list is the URL 'http://tidc.texas.gov'. To the right of the box is the TIDC logo, which includes a white star on a blue square followed by the letters 'TIDC' in red and 'TEXAS INDIGENT DEFENSE COMMISSION' in smaller black text below. The background of the graphic shows the American and Texas state flags waving.



# 15

## Addressing the Needs of those with Mental Health Concerns

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- **SB 1326 (85<sup>th</sup> Session) Revisions**
  - Clarify meaning of assessment.
  - Make mental health reporting forms confidential.
- **New Legislative Proposals**
  - Training, clarification and more resources for judges on court ordered outpatient mental health treatment under Chapter 574 Health and Safety Code.
  - Authorize transfer of mental health information when defendant is moved from county jail to state prison.
  - Allow state to pay for training for part-time, full-time magistrates and associated judges.
  - Grant courts discretion when initially committing a defendant for competency restoration in specific instances.



# Improving the Civil Justice System

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## **Judicial Selection**

- Raise age from 25 to 30 years to preside over statutory county and probate courts.
- Require Justices of the Peace and Municipal Judges (not Courts of record) to be at least 25 years old if they are an attorney, or 30 years old if they are not an attorney.
- Require Justices of the Peace in counties greater than 500K to be licensed attorneys.
- Increase years of service as attorney or judge to 12 years for appellate judge, 8 years for district judge.

## **Court Structure**

- Increase civil floor for district courts from \$200 to \$10,000.
- Increase civil floor for statutory county courts from \$200 to \$5000.
- For counties requiring Justice of the Peace to be a practicing attorney, increase civil jurisdiction from 10K to 20K.



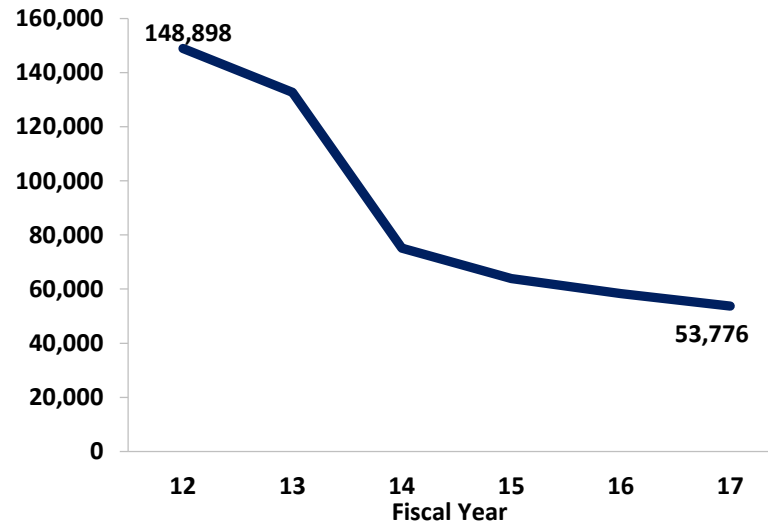
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## Addressing the Needs of Youth in Class C Misdemeanor Matters

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- Amend current law to allow for the handling of youth charged with Class C/fine only non-traffic offenses as a civil matter in the state's justice and municipal courts.
- Amend the Code of Criminal Procedure to clarify and expand the role and use of juvenile case managers, to include the use of regional juvenile case managers, as needed.

**Non-Traffic Class C Cases Filed Against Juveniles in Justice and Municipal Courts by Fiscal Year (excludes truancy and Education Code Violations)**



# Resources

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- TX Courts
  - [www.txcourts.gov](http://www.txcourts.gov)
  - CourTex newsletter
  - Legislative page
    - Policy briefs
    - Testimony
    - Legislative Update
- Capitol News
  - <http://www.quorumreport.com/>
  - <https://www.texastribune.org/>
  - #Txlege on twitter
- Bill Tracking
  - <https://capitol.texas.gov/>
  - [www.telicon.com](http://www.telicon.com)
- Budget
  - <http://www.lbb.state.tx.us/>





# Questions

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