

# Legislative Update

## 87th Texas Legislature Regular Session

Megan LaVoie  
Director of Public Affairs and Special Counsel  
Office of Court Administration  
8/20/2021



# Session Statistics

	86 <sup>th</sup> Legislative Session	87 <sup>th</sup> Legislative Session
<b>Filed</b>	<b>7,324</b>	<b>6,927</b>
<b>Passed</b>	<b>1,429</b>	<b>1073</b>
<b>Vetoed</b>	<b>56</b>	<b>21</b>



# Article IV Budget – The Judiciary

- \$796,055,522 for the Judiciary for the 2022-2023 biennium
- \$94,963,926 for Indigent Defense
- \$76,568,784 for Basic Civil Legal Services
- Funding supports the Texas Supreme Court, Court of Criminal Appeals, Appellate Courts and Judicial Branch Agencies, Boards and Commissions.



# New Courts

- 10 District Courts
  - 478<sup>th</sup> Judicial District in [Bell County](#)
  - 482<sup>nd</sup> Judicial District in [Harris County](#)
  - 485<sup>th</sup> Judicial District in [Tarrant County](#)
  - 480<sup>th</sup> Judicial District in [Williamson County](#)
  - 481<sup>st</sup> Judicial District in [Denton County](#)
  - 483<sup>rd</sup> Judicial District in [Hays County](#)
  - 484<sup>th</sup> Judicial District in [Cameron County](#)
  - 474<sup>th</sup> Judicial District in [McLennan County](#)
  - 475<sup>th</sup> Judicial District in [Smith County](#)
  - 476<sup>th</sup> Judicial District in [Hidalgo County](#)
- 6 County Courts at Law
  - [Kendall County](#) Court at Law
  - County Court at Law No. 3 of [McLennan County](#)
  - County Court at Law No. 6 of [Montgomery County](#)
  - County Court at Law No. 2 of [San Patricio County](#)
  - County Criminal Court at Law No. 6 of [Tarrant County](#)
  - County Court at Law No. 5 of [Williamson County](#)
- 1 Statutory Probate Court
  - Statutory Probate Court No.2 of [Denton County](#)



# Civil Justice Committee Recommendations

## BASIC NEEDS EXEMPTION

- HB 3774 (Rep. Leach/ Sen. Huffman)
- The bill directs the Texas Supreme Court to establish rules for a simple and expedited procedure for asserting a basic needs exemption

## CIVIL COURT COSTS RESTRUCTURING

- SB 41 (Sen. Zaffirini/ Rep. Leach)
- 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

- HB 79 (Rep. Murr/ Sen. Zaffirini)
- Creates specialized courts similar to child protection courts to hear guardianship cases

## MENTAL HEALTH

- SB 49 (Sen. Zaffirini/ Rep. Murr)
- Contains 9 proposals from the Judicial Commission on Mental Health's Legislative Committee
  - Improves clarity, efficiency and consistency with existing statutes or case law



# 87R Bills of Interest

## JUDICIAL SELECTION

- SJR 47 (Sen. Huffman/Rep. Landgraf)
- Proposed constitutional amendment to change the eligibility requirements to serve as a judge.
- 10 years as judge/lawyer for appellate courts
- 8 years as judge/lawyer for district courts

## SPECIALTY COURT FUNDING

- HB 1256 (Rep. Ashby/ Sen. Huffman and Sen. Zaffirini)
- Requires 1% of the mixed beverage gross receipts and sales taxes received by the state be used to fund specialty courts
- Estimated to generate an additional \$10 million per year



# 87R Bills of Interest

## COURT REMINDER PROGRAM

- HB 4293 (Rep. Hinojosa/Sen. Zaffirini)
- Requires OCA to develop a court reminder program that would send a text message to notify criminal defendants of scheduled court appearances

## REMOTE MARRIAGE LICENSES

- SB 907 (Sen. Perry/Rep. Lambert)
- Requires the Texas Judicial Council to promulgate rules in consultation with the Department of State Health Services for a county clerk to issue marriage licenses through remote technology.





# What Didn't Pass?

## 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



# What Didn't Pass?

## 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

### 87R(2) Bail Bills

- SB 6/HB 12 (Sen. Huffman and Rep. Smith)
- SJR 3/HJR 1 (Sen. Huffman and Rep. Kacal)



# What Didn't Pass?

## 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



# What Didn't Pass?

## BUSINESS COURTS

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

## MENTAL HEALTH

- SB 1511 (Sen. Zaffirini)/HB 3977 (Rep. Moody)
  - Emergency Detention Recommendations from Judicial Commission on Mental Health



# What Didn't Pass?

- SB 11 (Sen. Huffman)
- Reorganizes Courts of Appeals from 14 to 7
  
- SB 1529 (Sen. Huffman)
- Creates the Texas Court of Appeals – Statewide Court



# Second Special Session 87R(2)

## MONITORING

- Bail
- Border Funding
- Visiting Judge Funding

