The 2017 Texas Legislature:
What Changes in your Courtroom on September 1, 2017.

Presented by: Judge Alfonso Charles
October 5, 2017
Annual Judicial Section Meeting
Austin, Texas

Bonds for CCL Guardianship Judges

SB 40

Would require a judge that presides over guardianship proceedings to post a bond of:

1) $100,000.00 in a county of 125,000 or less;

2) $250,000.00 in a county over 125,000; or

3) County may obtain insurance against losses caused by a judge's gross negligence.

Does not apply to:

1) CCLs that do not hear guardianship proceedings
2) Statutory Probate Courts
3) County Criminal Courts.

SB 4

Sanctuary Cities and Counties Bill

Would remove grant funding for cities and counties that do not cooperate with Federal Immigration Laws and ICE.

- Creates civil liability for the agencies, counties and municipalities that do not comply.

- Creates criminal penalties for officials who violate portions of the act (Class A Misdemeanor)

JUDGE'S DUTIES

- **Article 2.25 of Code of Criminal Procedure (Current Law):**

- A judge **shall** report to the **United States Immigration and Naturalization Service** a person who has been convicted in the judge's court of a crime or has been placed on deferred adjudication for a felony and is an illegal criminal alien as defined by Section 493.015(a), Government Code.

JUDGE'S DUTIES

- **Article 42.039 of Code of Criminal Procedure (Proposed):**
- …. the judge **shall,** at the time of pronouncement of sentence of confinement, issue an order requiring the secure correctional facility in which the defendant is confined and appropriate government officers….. To require the defendant serve in **federal custody** the final portion of the defendant's sentence, not to exceed a period of seven days.
- Applies only if the Federal authorities consent to the transfer.

- Effective September 1.

Questions

- Does the Court (Judge) have a duty to find out if the Defendant is subject to this provision?

- What if a Judge violates these provisions?

Mental Heath

SB 1326 (Zaffirini)

Calls for early identification of mentally ill inmates (12 hours). Calls for greater use of out patient competency restoration and jail restoration programs. Greater use of pre-trial release.

Conditions of Probation

SB 1584

Requires a "Verified Risk and Needs Assessment."

Must be conducted before the court can impose conditions of community supervision.

Conditions of Probation

The Court must consider the extent the conditions of probation impact the defendant's:

-Work, education, financial, and community service obligations.

Waiver of Assessment

Many Courts, especially in misdemeanor cases, are utilizing Waivers of the Risk and Needs Assessment.

Bills Affecting the Judiciary

Courthouse Security
SB 42 (Zaffirini)

1) Creates a duty to protect a threatened or attacked State Judge.

2) Allows the department to protect the judge outside the courthouse.

3)Security Incidents must be reported to OCA.

4) Creates new court fees to pay for training and education.

Courthouse Security

Creates a Courthouse Security Committee. The committee will consist of the:

1) Local Administrative Judge

2) Sheriff's representative

3) Representative of the County

4) A judge of each type of court

5) Any other person the committee deems necessary.

Elections

HB 25

Elimination of Straight Party Voting for ALL offices. Not just for Judicial Offices. Takes effect in 2020.

Petitions

SB 44 (Zaffirini)

Restores the Petitions Requirement for candidates for the Supreme Court, Court of Criminal Appeals, and the 5 large counties.

Effective Immediately.

Contributions from Judicial Campaign Funds

HB 3903

Clarifies and makes clear that Judicial Candidates and Judges can make contributions to State and County Political Parties.

Allows the judges to help sponsor event or to pay for lunch at the meetings.

Effective Immediately.

Administrative Bills

SB 1893

Creates 11 Administrative Judicial Regions. It splits up the Dallas and Houston Regions.

Creates Region 10 (East Texas) and Region 11 (Harris and surrounding counties).

Effective September 1.

HB 3971 and SB 1938

Formula Pay Bills

Creates a formula, using many of the factors that the JCC uses, to determine the salary of a justice of the Supreme Court. The formula for the salary is the sum of:

a.   1/3 of the average salary of the justices on the highest courts of appeals in the 9 most populous states, not including Texas;

b.   1/3 of the salary of a judge on the US Court of Appeals; and

c.   1/3 of the average starting salary on January 1, of first year associates at the five largest law firms in Texas.

HB 3971 and SB 1938

HB 3971 passed out of the Judiciary and Civil Jurisprudence Committee and died in the Calendars Committee.

SB 1938 received a hearing in the Senate State Affairs Committee but the Chair of the Committee never called the bill for a vote.

Great effort by judges on these bills. Over 250 calls and emails by judges over the last days of the session on pay raise.

Our voices were heard!!!

SCR 57

Joint Interim Committee to Study State Judicial Salaries.

The mission of the Joint Interim Committee to Study State Judicial Salaries will study the creation of a formula to calculate state judicial salaries.

Chief's Plan

1) Pursue a version of the Formula Pay Bill.

2) If that does not have support, an across the board pay raise.

3) Start working on pay raise NOW. Have all the judges involved and speaking with ONE voice.

Questions

How to Contact Me

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