

BILL ANALYSIS

Senate Research Center
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S.B. 42
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The assassination attempt against Travis County District Judge Julie Kocurek in the fall of 2015 underscored the urgent need to evaluate the state's court security policies. Accordingly, the Texas Judicial Council established a Court Security Committee (CSC). This CSC found serious deficiencies in the state's security posture, including a lack of court security best practices, training, and funding. S.B. 42 would implement recommendations promulgated by the CSC, including creating the position of Director of Security and Emergency Preparedness at the Office of Court Administration, establishing local court security committees, requiring court security training of judges and court personnel, and facilitating removal of judges' personal information from public documents. These changes would improve court safety for judges, employees, and citizens in the state of Texas.

As proposed, S.B. 42 amends current law relating to the security of courts and judges in the state.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 102.017(f), Code of Criminal Procedure, as follows:

(f) Requires the sheriff or other law enforcement agency or entity that provides security for a court, rather than requires a local administrative judge, to provide to the Office of Court Administration of the Texas Judicial System (OCA) a written report regarding any security incident involving court security that occurs in or around a building housing a court for which the sheriff, agency, or entity provides security, rather than for which the judge serves as local administrative judge, not later than the third business day after the date the incident occurred.

SECTION 2. Amends Subchapter A, Chapter 29, Government Code, by adding Section 29.014, as follows:

Sec. 29.014. COURT SECURITY COMMITTEE. (a) Requires the presiding or municipal judge, as applicable, to establish a court security committee (CSC). Sets forth the required composition of CSC.

(b) Provides that the presiding or municipal judge, or the judge's designee, serves as presiding officer of CSC.

(c) Requires CSC to establish the policies and procedures necessary to provide adequate security to the municipal courts served by the presiding or municipal judge, as applicable.

SECTION 3. Amends Section 30.00007(b), Government Code, to include, among a presiding judge's certain duties, that the presiding judge is required to establish a CSC to adopt security

policies and procedures for the courts served by the presiding judge. Sets forth the required composition of the CSC.

SECTION 4. Amends Subchapter B, Chapter 72, Government Code, by adding Section 72.015, as follows:

Sec. 72.015. JUDICIAL SECURITY DIVISION. (a) Requires OCA to establish a judicial security division to provide guidance to state court personnel on improving security for each court.

(b) Requires OCA to appoint a director of security and emergency preparedness to oversee the judicial security division.

(c) Requires the judicial security division to serve as a central resource for information on local and national best practices for court security and the safety of court personnel, to provide an expert opinion on the technical aspects of court security, and to keep abreast of and provide training on recent court security improvements.

SECTION 5. Amends Section 74.092, Government Code, to include in certain duties of a local administrative judge the establishment of a CSC to adopt security policies and procedures for the courts served by the local administrative judge, and sets forth the required composition of the CSC.

SECTION 6. Amends Subtitle L, Title 2, Government Code, by adding Chapter 158, as follows:

CHAPTER 158. COURT SECURITY OFFICERS

Sec. 158.001. DEFINITION. Defines "court security officer."

Sec. 158.002. COURT SECURITY CERTIFICATION. (a) Prohibits a person, except as provided by Subsection (b), from serving as a court security officer for an appellate, district, statutory county, county, municipal, or justice court in this state unless the person holds a court security certification (certification) issued by a training program approved by the Texas Commission on Law Enforcement (TCOLE).

(b) Provides that a court security officer is not required to hold certification to provide security to a court described by Subsection (a) before the first anniversary of the date the officer begins providing security for the court.

Sec. 158.003. VERIFICATION. Requires the sheriff, law enforcement agency, or other entity that provides security for a court to verify that each court security officer holds the required certification.

SECTION 7. Amends Subchapter D, Chapter 411, Government Code, by adding Section 411.0485, as follows:

Sec. 411.0485. PROTECTION FOR JUDGES. (a) Authorizes the Texas Department of Public Safety (DPS) as DPS determines appropriate, to provide personal security to a state judge who has been threatened or attacked.

(b) Authorizes DPS to protect a threatened or attacked judge at locations outside of the jurisdiction in which the judge serves.

SECTION 8. Amends Section 552.117(a), Government Code, to include a current or former federal judge or state judge or a spouse of a current or former federal judge or state judge as a person whose information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that relates to certain personal information.

SECTION 9. Amends Subchapter B, Chapter 572, Government Code, by adding Section 572.035, as follows:

Sec. 572.035. REMOVAL OF PERSONAL INFORMATION FOR FEDERAL JUDGES, STATE JUDGES, AND SPOUSES. Requires the Texas Ethics Commission (TEC) to remove or redact from any financial statement, or information derived from a financial statement, that is available to the public the residence address of a federal judge, a state judge, or the spouse of a federal or state judge on the judge's qualification for the judge's office.

SECTION 10. Amends Section 13.0021(b), Election Code, as follows:

(b) Requires the registrar of the county, if the registration applicant is a federal judge, a state judge, or the spouse of a state judge or federal judge, to omit the applicant's residence address from the registration list, rather than requiring the applicant, if the registration applicant is a federal judge, a state judge, or the spouse of a state judge or a federal judge who seeks to have the applicant's residence address omitted from the registration list, to include with the application an affidavit stating that the applicant is a federal judge or state judge or the spouse of a federal judge or state judge.

SECTION 11. Amends Section 15.0215, Election Code, as follows:

Sec. 15.0215. New heading: OMISSION OF ADDRESS FOR FEDERAL JUDGE OR STATE JUDGE AND SPOUSE. (a) Defines "federal judge" and "state judge."

(b) Requires the registrar of the county in which the judge resides, on a person's qualification for office as a federal judge or state judge, to omit from the registration list the residence address of the judge and the spouse of the judge, rather than authorizes a federal judge, a state judge, or the spouse of a federal judge or state judge who is registered to vote, to at any time submit to the registrar of the county in which the judge resides an affidavit stating that the voter is a federal judge or state judge or the spouse of a federal judge or state judge.

SECTION 12. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.267, as follows:

Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY OFFICERS. (a) Requires TCOLE, in consultation with OCA, to develop a model court security curriculum for court security officers, as required by Chapter 158, Government Code, and provide the curriculum to any training program TCOLE approves to provide training to court security officers.

(b) Requires TCOLE to issue a certificate to each court security officer who completes the training program.

SECTION 13. Amends Section 11.008, Property Code, by adding Subsection (j), to require the county clerk to omit or redact from all public records in the county certain personal information of a federal judge, state judge, or spouse of a federal judge or state judge on the judge's qualification for office.

SECTION 14. Amends Section 25.025(b), Tax Code, as follows:

(b) Provides that information in appraisal records under Section 25.02 (Form and Content) is confidential and is available only for the official use of certain state entities if:

(1) makes no changes to this subdivision;

(2) the individual:

(A) creates this paragraph from existing text and makes no further changes to this paragraph; or

(B) is a federal or state judge or the spouse of a federal or state judge, beginning on the date the judge qualifies for the judge's office.

SECTION 15. Amends Section 521.121(c), Transportation Code, as follows:

(c) Requires DPS, on a license holder's qualification for office as a federal or state judge, to establish a procedure to omit the residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. Deletes existing text requiring DPS, in establishing the procedure, to require sufficient documentary evidence to establish the license holder's status as a federal judge, a state judge, or the spouse of a federal or state judge.

SECTION 16. (a) Requires DPS, TEC, each county clerk, each registrar, and any other county official responsible for county records to establish, not later than January 1, 2018, the policies and procedures necessary to comply with the changes in law made by this Act.

(b) Requires that, as soon as practicable after the effective date of this Act, OCA establish the judicial security division, and that each judge required to establish a CSC under this act establish the CSC.

SECTION 17. Effective date: September 1, 2017.