

## **BILL ANALYSIS**

Senate Research Center  
87R11751 YDB-D

H.B. 4293  
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Criminal Justice  
5/20/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Court reminder programs are a cost-effective solution that would improve the overall efficiency of Texas courts, as well as keep persons from being arrested for failing to appear. Arrests for failure to appear typically happen when persons simply forget about scheduled court dates, not because they intentionally skip them.

H.B. 4293 would require the Office of Court Administration of the Texas Judicial System to develop and make available to each county a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. What's more, the program would document each occurrence of a criminal defendant receiving a text message reminder, identify criminal defendants with scheduled court appearances who lack access to devices with the technological capability of receiving text messages, and document the number of criminal defendants who fail to appear at scheduled court appearances after being sent one or more text messages.

H.B. 4293 amends current law relating to the creation of a court reminder program for criminal defendants.

### **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 Chapter 75, Government Code, by adding Subchapter J, as follows:

#### **SUBCHAPTER J. COURT REMINDER PROGRAM**

Sec. 75.601. ESTABLISHMENT OF STATE PROGRAM FOR PARTICIPATING COUNTIES. (a) Requires the Office of Court Administration of the Texas Judicial System (OCA) to develop and make available to each county a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. Requires that the purposes of the program include:

- (1) reducing costs associated with defendants who fail to appear for a scheduled court appearance;
- (2) improving the efficiency of courts in this state;
- (3) reminding criminal defendants to appear at each scheduled court appearance; and
- (4) reducing the number of criminal defendants who are confined in a county jail due solely to the defendant's failure to appear for a scheduled court appearance.

(b) Requires that the program:

- (1) be available to each county at no cost;
- (2) comply with applicable state and federal laws requiring the consent of an individual before sending a reminder by text message;
- (3) provide text message reminders for each court appearance of a defendant who has access to a device with the technological capability of receiving text messages and provides the court administrator with an operational phone number for the device;
- (4) document each occurrence of a criminal defendant receiving a text message reminder;
- (5) identify criminal defendants with scheduled court appearances who lack access to devices with the technological capability of receiving text messages;
- (6) document the number of criminal defendants who fail to appear at scheduled court appearances after being sent one or more text message reminders;
- (7) include the technological capability, at the discretion of the local administrative judge, to provide additional information to criminal defendants concerning scheduled court appearances, such as the location of the court appearance, available transportation options, and procedures for defendants who are unable to attend court appearances;
- (8) support partnerships with local law enforcement agencies, local governments, and local public defenders in accordance with the purposes described by Subsection (a); and
- (9) provide one or more publicly available Internet websites through which criminal defendants may request text reminders.

Sec. 75.602. ESTABLISHMENT OF COUNTY PROGRAMS. (a) Requires the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county to establish a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances.

(b) Authorizes the judges, in developing the court reminder program, to join the state program developed under Section 75.601 or develop a county program that allows the county to send text message notifications to criminal defendants and that complies with the requirements of Section 75.601(b).

Sec. 75.603. MUNICIPAL PROGRAM. (a) Authorizes OCA, or the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county, to partner with municipalities and local law enforcement agencies to allow:

- (1) individuals to whom a peace officer issues a citation and releases to receive text message reminders of scheduled court appearances; and
- (2) criminal defendants in municipal court to receive text message reminders of scheduled court appearances.

(b) Requires any municipality that partners with OCA to pay all costs of sending reminders to municipal criminal defendants, including the costs of linking the municipal court database with the state court administrator database.

SECTION 2. Requires OCA and the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county, not later than September 1, 2022, to develop and make available the court reminder program as required by Subchapter J, Chapter 75, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2021.