

By: Gallego

H.B. No. 3518

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the consolidation of the Office of Court Administration
3 of the Texas Judicial System, the Judicial Committee on Information
4 Technology, and the Texas Judicial Council.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 71.001, Government Code, is amended to
7 read as follows: 1-8 Sec. 71.001. DEFINITIONS. In this chapter:

8 (1) "Chair" means the chair of the council.

9 "Council" means the Texas Judicial Council.

10 (3) "Court" means any tribunal forming a part of the
11 judiciary.

12 (4) "Executive director" means the executive director
13 of the council.

14 SECTION 2. Subchapter A, Chapter 71, Government Code, is
15 amended by adding Section 71.002 to read as follows:

16 Sec. 71.002. EFFECT ON JUDICIAL DISCRETION. This chapter
17 or a rule adopted by the supreme court under Section 74.024 does not
18 authorize an infringement of the judicial discretion of a judge in
19 the trying of a case properly before the judge's court.

20 SECTION 3. Subchapter B, Chapter 71, Government Code, is
21 amended by adding Sections 71.021-71.024 to read as follows:

22 Sec. 71.021. EXECUTIVE DIRECTOR. The chief justice of the
23 supreme court, after a vote by a majority of the members of the
24 Texas Judicial Council, shall appoint the executive director.

1 Sec. 71.022. BUDGET; EXPENDITURES. (a) The executive
2 director shall prepare and submit an estimated budget for the
3 appropriation of funds necessary for the maintenance and operation
4 of the judicial system.

5 (b) The executive director shall study and recommend
6 expenditures and savings of funds appropriated for the maintenance
7 and operation of the judicial system.

8 (c) The council shall:

9 (1) develop funding priorities regarding the various
10 technological needs of the judicial system as determined under
11 Chapter 77; and

12 (2) make distributions to courts from the judicial
13 technology account.

14 Sec. 71.023. JUDICIAL TECHNOLOGY ACCOUNT. (a) The
15 judicial technology account is an account in the judicial fund
16 administered by the council.

17 (b) Money in the judicial technology account may be used
18 only for the support of programs that are developed under Section
19 77.031 to provide technological support for the judiciary and that
20 are approved by the council. The comptroller may pay money from the
21 account only on vouchers approved by the council.

22 (c) The council shall file a report with the Legislative
23 Budget Board at the end of each fiscal year showing disbursements
24 from the account and the purpose for each disbursement. All money
25 expended is subject to audit by the comptroller and the state
26 auditor.

27 (d) Money available from the judicial technology account

1 may be supplemented by local or federal money and private or public
2 grants.

3 Sec. 71.024. PERSONNEL. The executive director, with the
4 approval of the chief justice of the supreme court, shall employ the
5 personnel needed for the council.

6 SECTION 4. Chapter 71, Government Code, is amended by
7 amending Subchapter C to read as follows:

8 SUBCHAPTER C. POWERS AND DUTIES Sec. 71.031. CONSULTATION,
9 ASSISTANCE, AND ADMINISTRATION.

10 (a) The executive director shall assist the justices and
11 judges in discharging their administrative duties.

12 (b) The executive director shall consult with the regional
13 presiding judges and local administrative judges and assist the
14 judges in discharging duties imposed by law or by a rule adopted by
15 the supreme court.

16 (c) The executive director, to provide for the efficient
17 administration of justice, shall consult with and assist:

18 (1) court clerks;

19 (2) other court officers or employees; and

20 (3) clerks or other officers or employees of offices
21 related to and serving a court.

22 (d) The executive director, to provide for uniform
23 administration of the courts and efficient administration of
24 justice, shall consult with and make recommendations to
25 administrators and coordinators of the courts.

26 (e) The executive director, under the supervision of the
27 chief justice, shall implement a rule of administration or other

1 rules adopted by the supreme court for the efficient administration
2 of justice.

3 Sec. 71.032. CONTINUOUS STUDY. The council continuously
4 shall study the organization, rules, procedures and practice, work
5 accomplished, results, and uniformity of the discretionary powers
6 of the state courts and methods for their improvement.

7 Sec. 71.033 [~~71.032~~]. RECEIPT OF ADVICE ON REMEDIES. The
8 council shall receive and consider advice from judges, public
9 officials, members of the bar, and citizens concerning remedies for
10 faults in the administration of justice.

11 Sec. 71.034 [~~71.033~~]. METHODS FOR IMPROVEMENT;
12 RECOMMENDATIONS. (a) The council shall design methods for
13 simplifying judicial procedure, expediting the transaction of
14 judicial business, and correcting faults in or improving the
15 administration of justice.

16 (b) The executive director shall examine the judicial
17 dockets, practices, and procedures of the courts and the
18 administrative and business methods or systems used in the office
19 of a clerk of a court or in an office related to and serving a court.

20 (c) The executive director shall recommend:

21 (1) a necessary improvement to a method or system;

22 (2) a form or other document used to record judicial
23 business; or

24 (3) any other change that will promote the efficient
25 administration of justice.

26 (d) The executive director shall recommend to the supreme
27 court appropriate means to implement this chapter.

1 SECTION 5. Section 77.011(a), Government Code, is amended
2 to read as follows:

3 (a) The committee operates under the direction and
4 supervision of the chief justice of the supreme court and the Texas
5 Judicial Council.

6 SECTION 6. Section 77.012(b), Government Code, is amended
7 to read as follows:

8 (b) The chief justice of the supreme court, in making
9 appointments to the committee, shall attempt to select members who
10 are representative of, but not limited to, appellate court judges,
11 appellate court clerks, district court judges, county court judges,
12 statutory probate judges, justices of the peace, municipal court
13 judges, district attorneys, court reporters, court administrators,
14 district or county clerks, members of the legislature, attorneys,
15 and the general public. The members shall be selected based on
16 their experience, expertise, or special interest in the use of
17 technology in court. A representative from the Texas Judicial
18 Council [~~Office of Court Administration of the Texas Judicial~~
19 ~~System~~] shall serve as a nonvoting member of the committee.

20 SECTION 7. Section 77.014, Government Code, is amended to
21 read as follows:

22 Sec. 77.014. STAFF. The Texas Judicial Council [~~Office of~~
23 ~~Court Administration of the Texas Judicial System~~] shall provide
24 staff for the committee.

25 SECTION 8. Section 77.031, Government Code, is amended to
26 read as follows:

27 Sec. 77.031. GENERAL POWERS AND DUTIES. The committee

1 shall: (1) develop [~~programs to implement the recommendations of~~
2 ~~the Information Technology Task Force of the Texas Commission on~~
3 ~~Judicial Efficiency;~~] [(2) ~~develop~~] minimum standards for voice
4 storage and retrieval services, including voice messaging and
5 electronic mail services, local area networks, Internet access,
6 electronic data interchange, data dictionaries, and other
7 technological needs of the judicial system;

8 SECTION 9. Section 11.104, Civil Practice and Remedies
9 Code, is amended to read as follows:

10 Sec. 11.104. NOTICE TO TEXAS JUDICIAL COUNCIL [~~OFFICE OF~~
11 ~~COURT ADMINISTRATION~~]; DISSEMINATION OF LIST. (a) A clerk of a
12 court shall provide the Texas Judicial Council [~~Office of Court~~
13 ~~Administration of the Texas Judicial System~~] a copy of any
14 prefiling order issued under Section 11.101.

15 SECTION 10. Section 4, Article 42.01, Code of Criminal
16 Procedure, is amended to read as follows:

17 Sec. 4. The Texas Judicial Council [~~Office of Court~~
18 ~~Administration of the Texas Judicial System~~] shall promulgate a
19 standardized felony judgment form that conforms to the requirements
20 of Section 1 of this article.

21 SECTION 11. The following laws are repealed:

22 (1) Section 72.002, Government Code;

23 (2) Subchapters B and C, Chapter 72, Government Code;

24 and

25 (3) Sections 74.004, 74.023, and 77.032, Government
26 26-4 Code.

27 SECTION 35. This Act takes effect September 1, 2003.