

1-1 By: West S.B. No. 1411  
1-2 (In the Senate - Filed March 8, 2007; March 15, 2007, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 16, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 16, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1411 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to requirements for judicial training on issues regarding  
1-11 family violence, sexual assault, and child abuse and neglect.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 22.110, Government Code,  
1-14 is amended to read as follows:

1-15 Sec. 22.110. JUDICIAL INSTRUCTION RELATED TO FAMILY  
1-16 VIOLENCE, SEXUAL ASSAULT, AND CHILD ABUSE AND NEGLECT.

1-17 SECTION 2. Subsections (a), (b), ~~(c)~~, and (d), Section  
1-18 22.110, Government Code, are amended to read as follows:

1-19 (a) The court of criminal appeals shall assure that judicial  
1-20 training related to the problems of family violence, sexual  
1-21 assault, and child abuse and neglect is provided.

1-22 (b) The court of criminal appeals shall adopt the rules  
1-23 necessary to accomplish the purposes of this section. The rules  
1-24 must require each district judge, judge of a statutory county  
1-25 court, associate judge appointed under Chapter 54 of this code or  
1-26 Chapter 201, Family Code, master, referee, and magistrate to  
1-27 complete at least 12 ~~eight~~ hours of the training within the  
1-28 judge's first term of office or the judicial officer's first four  
1-29 years of service and provide a method for certification of  
1-30 completion of that training. At least four hours of the training  
1-31 must be dedicated to issues related to child abuse and neglect and  
1-32 must cover at least two of the topics described in Subsections  
1-33 (d)(8) through (12). At least six hours of the training must be  
1-34 dedicated to the training described by Subsections (d)(5), (6), and  
1-35 (7). The rules must require each judge and judicial officer to  
1-36 complete an additional five ~~three~~ hours of training during each  
1-37 additional term in office or four years of service. At least two  
1-38 hours of the additional training must be dedicated to issues  
1-39 related to child abuse and neglect. The rules must exempt from the  
1-40 training requirement of this subsection each judge or judicial  
1-41 officer who files an affidavit stating that the judge or judicial  
1-42 officer does not hear any cases involving family violence, sexual  
1-43 assault, or child abuse and neglect.

1-44 (c) In adopting the rules, the court of criminal appeals may  
1-45 consult with the supreme court and with professional groups and  
1-46 associations in the state that have expertise in the subject matter  
1-47 to obtain the recommendations of those groups or associations for  
1-48 instruction content.

1-49 (d) The instruction must include information about:

1-50 (1) statutory and case law relating to videotaping a  
1-51 child's testimony and relating to competency of children to  
1-52 testify;

1-53 (2) methods for eliminating the trauma to the child  
1-54 caused by the court process;

1-55 (3) case law, statutory law, and procedural rules  
1-56 relating to family violence, sexual assault, and child abuse and  
1-57 neglect;

1-58 (4) methods for providing protection for victims of  
1-59 family violence, sexual assault, and ~~or~~ child abuse and neglect;

1-60 (5) available community and state resources for  
1-61 counseling and other aid to victims and to offenders;

1-62 (6) gender bias in the judicial process; ~~and~~

1-63 (7) dynamics and effects of being a victim of family

2-1 violence, sexual assault, or child abuse and neglect;  
2-2 (8) dynamics of sexual abuse of children, including  
2-3 child abuse accommodation syndrome and grooming;  
2-4 (9) impact of substance abuse on an unborn child and on  
2-5 a person's ability to care for a child;  
2-6 (10) issues of attachment and bonding between children  
2-7 and caregivers;  
2-8 (11) issues of child development that pertain to child  
2-9 abuse and neglect; and  
2-10 (12) medical findings regarding physical abuse,  
2-11 sexual abuse, and child abuse and neglect.

2-12 SECTION 3. The change in law made by this Act to Section  
2-13 22.110, Government Code, regarding the training required in the  
2-14 first term or first four years of office, applies only to a judge or  
2-15 judicial officer who has not completed the initial training related  
2-16 to family violence, sexual assault, and child abuse and neglect  
2-17 required by that section before September 1, 2007.

2-18 SECTION 4. This Act takes effect September 1, 2007.

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