

BILL ANALYSIS

C.S.H.B. 1118
By: Madden
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 1118 creates the governor-appointed position of administrative judge for Texas drug court programs. The bill sets forth the administrative judge's qualifications and duties and requires that the administrative judge receive the same salary and retirement as a district judge. The bill requires the Office of Court Administration of the Texas Judicial System to arrange for the judge to have adequate office space and sets forth provisions regarding funding the office.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1118 amends the Health and Safety Code to require the governor, with the advice and consent of the senate, to appoint an administrative judge for drug court programs in Texas whose term expires on the fourth anniversary of the date on which the term begins. The bill requires the governor to promptly fill any vacancy in the position of administrative judge, whether the vacancy is caused by the judge's death, resignation, or term expiration, and authorizes the governor to appoint an administrative judge for a second or subsequent term.

C.S.H.B. 1118 requires a person, to be eligible to be appointed an administrative judge, to be a former judge, retired judge, or senior judge of a district court or county court at law, to be qualified for assignment under state law, to have at least eight years' experience serving as the judge of a district court or county court at law, and to have at least four years' experience as the judge administering a drug court program or other substantially similar court program.

C.S.H.B. 1118 requires the administrative judge to perform the following duties: work to enhance the effectiveness of each drug court program in Texas; take action as appropriate to ensure that each drug court program meets the essential characteristics established under state law; develop training protocols for judges, magistrates, and program directors administering drug court programs in Texas, including training protocols for information regarding any nationally recommended curriculum concerning either evidence-based sentencing or available community and state resources for diversions from confinement in a correctional facility; assist each drug court program in identifying and receiving available grant funds; coordinate efforts for the development of additional drug court programs in Texas; assist in the oversight of drug court programs as prescribed under state law; and report to the legislature and to the criminal justice division of the governor's office not later than September 1 of each even-numbered year regarding the status of drug court programs in Texas. The bill authorizes the administrative judge to take action as necessary to carry out the judge's duties and to improve the implementation and management of drug court programs in Texas. The bill authorizes the administrative judge to serve as the judge administering a drug court program in Texas.

C.S.H.B. 1118 requires the Office of Court Administration of the Texas Judicial System to arrange for the administrative judge to have adequate office space to carry out the judge's duties and authorizes the Office of Court Administration to contract with a county to provide office space for the administrative judge in the county courthouse. The bill authorizes the administrative judge to employ, or contract with another governmental entity for the provision

of, an administrative assistant and other support staff as necessary to carry out the judge's prescribed duties.

C.S.H.B. 1118 entitles the administrative judge to the same compensation and allowances provided by the state and county for a district judge in the county in which the administrative judge resides, including the compensation to which a district judge is entitled, including the same annual salary a district judge is entitled to receive from the state under state law and any applicable participation in a retirement system or program; and the same travel and other necessary expenses a district judge is entitled to receive from the state under state law. The bill authorizes any administrative assistant or other support staff employed by or under contract for the benefit of the administrative judge to receive compensation and payment of expenses from the state as provided by the General Appropriations Act, from county funds as authorized by the county commissioners court, or from any public or private grant.

C.S.H.B. 1118 requires the governor to appoint the first administrative judge not later than December 1, 2009, for a four-year term beginning January 1, 2010.

C.S.H.B. 1118 defines "administrative judge," "former judge," "retired judge," and "senior judge."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1118 differs from the original by specifying that an administrative judge's duty to develop training protocols for judges, magistrates, and program directors administering drug court programs in Texas includes training protocols for information regarding any nationally recommended curriculum concerning either evidence-based sentencing or available community and state resources for diversions from confinement in a correctional facility.

C.S.H.B. 1118 differs from the original by requiring the Office of Court Administration of the Texas Judicial System to arrange for the administrative judge to have adequate office space to carry out the judge's duties, rather than requiring the commissioners court of the county in which the administrative judge resides to provide the administrative judge with such adequate space in the county courthouse as in the original. The substitute adds a provision not in the original that authorizes the Office of Court Administration to contract with a county to provide office space for the administrative judge in the county courthouse.