

By: Madden

H.B. No. 1118

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of an administrative judge for drug court programs in this state.

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

SECTION 1. Chapter 469, Health and Safety Code, is amended by designating Sections 469.001 through 469.009 as Subchapter A and adding a heading to that subchapter to read as follows:

SUBCHAPTER A. DRUG COURT PROGRAMS

SECTION 2. Chapter 469, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. ADMINISTRATIVE JUDGE FOR

DRUG COURT PROGRAMS

Sec. 469.031. DEFINITION. In this subchapter, "administrative judge" means the administrative judge for drug court programs appointed under Section 469.032.

Sec. 469.032. APPOINTMENT OF ADMINISTRATIVE JUDGE; TERM.

(a) The governor, with the advice and consent of the senate, shall appoint an administrative judge for drug court programs in this state.

(b) The term of an administrative judge expires on the fourth anniversary of the date on which the term begins.

(c) The governor shall promptly fill any vacancy in the position of administrative judge, whether the vacancy is caused by the death or resignation of the administrative judge or by

1 expiration of the administrative judge's term. The governor may  
2 appoint an administrative judge for a second or subsequent term.

3 Sec. 469.033. QUALIFICATIONS. (a) In this section,  
4 "former judge," "retired judge," and "senior judge" have the  
5 meanings assigned by Section 74.041, Government Code.

6 (b) To be eligible to be appointed an administrative judge,  
7 a person must:

8 (1) be a former judge, retired judge, or senior judge  
9 of a district court or county court at law;

10 (2) be qualified for assignment under Section 74.055,  
11 Government Code;

12 (3) have at least eight years' experience serving as  
13 the judge of a district court or county court at law; and

14 (4) have at least four years' experience as the judge  
15 administering a drug court program or other substantially similar  
16 court program.

17 Sec. 469.034. DUTIES AND POWERS. (a) The administrative  
18 judge shall:

19 (1) work to enhance the effectiveness of each drug  
20 court program in this state;

21 (2) take action as appropriate to ensure that each  
22 drug court program meets the essential characteristics listed in  
23 Section 469.001(a);

24 (3) develop training protocols for judges,  
25 magistrates, and program directors administering drug court  
26 programs in this state, including training protocols for  
27 information regarding any nationally recommended curriculum

1 concerning either evidence-based sentencing or available community  
2 and state resources for diversions from confinement in a  
3 correctional facility;

4 (4) assist each drug court program in identifying and  
5 receiving available grant funds;

6 (5) coordinate efforts for the development of  
7 additional drug court programs in this state;

8 (6) assist in the oversight of drug court programs  
9 under Section 469.003; and

10 (7) report to the legislature and to the criminal  
11 justice division of the governor's office not later than September  
12 1 of each even-numbered year regarding the status of drug court  
13 programs in this state. The report shall include the following  
14 information in both a statewide aggregated format and broken down  
15 for each separate drug court program in Texas:

16 (A) the average recidivism rate of individuals  
17 who are referred to drug court programs in this state;

18 (B) the number and types of crimes for which  
19 individuals are referred to drug court programs;

20 (C) the number and types of crimes committed by  
21 individuals after they have completed all drug court program  
22 supervision and monitoring; and

23 (D) the number and types of crimes that would not  
24 have been committed had individuals referred to drug courts been  
25 incarcerated for the duration of the time they were under the  
26 supervision of a drug court program.

27 (a-1) For the purposes of this section, "effectiveness"

1 means the extent to which a drug court program successfully stops a  
2 drug offender from reoffending and the extent to which members of  
3 the public are protected from drug crime and drug-related crime.

4 (b) The administrative judge may take action as necessary to  
5 carry out this subchapter and to improve the implementation and  
6 management of drug court programs in this state.

7 (c) The administrative judge may serve as the judge  
8 administering a drug court program in this state.

9 Sec. 469.035. FACILITIES AND STAFF. (a) The Office of  
10 Court Administration of the Texas Judicial System:

11 (1) shall arrange for the administrative judge to have  
12 adequate office space to carry out the duties prescribed by this  
13 subchapter; and

14 (2) may contract with a county to provide office space  
15 for the administrative judge in the county courthouse.

16 (b) The administrative judge may employ, or contract with  
17 another governmental entity for the provision of, an administrative  
18 assistant and other support staff as necessary to carry out the  
19 duties prescribed by this subchapter.

20 Sec. 469.036. COMPENSATION; EXPENSES. (a) The  
21 administrative judge is entitled to the same compensation and  
22 allowances provided by the state and county for a district judge in  
23 the county in which the administrative judge resides, including:

24 (1) the compensation to which a district judge is  
25 entitled, including the same annual salary a district judge is  
26 entitled to receive from the state under Section 659.012,  
27 Government Code, and any applicable participation in a retirement

1 system or program; and

2 (2) the same travel and other necessary expenses a  
3 district judge is entitled to receive from the state under Section  
4 24.019, Government Code.

5 (b) Any administrative assistant or other support staff  
6 employed by or under contract for the benefit of the administrative  
7 judge may receive compensation and payment of expenses from:

8 (1) the state as provided by the General  
9 Appropriations Act;

10 (2) county funds as authorized by the county  
11 commissioners court; or

12 (3) any public or private grant.

13 SECTION 3. The governor shall appoint the first  
14 administrative judge as required by Section 469.032, Health and  
15 Safety Code, as added by this Act, not later than December 1, 2009,  
16 for a four-year term beginning January 1, 2010.

17 SECTION 4. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2009.