

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. Sections 469.001 through 469.009, Health and Safety Code, are designated as Subchapter A, Chapter 469, Health and Safety Code, and a heading is added 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

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

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

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

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

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

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

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

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

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

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

25 (3) develop training protocols for judges,
26 magistrates, and program directors administering drug court
27 programs in this state;

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

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

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

7 (7) report to the legislature and to the criminal
8 justice division of the governor's office not later than September
9 1 of each even-numbered year regarding the status of drug court
10 programs in this state.

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

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

16 Sec. 469.035. FACILITIES AND STAFF. (a) The commissioners
17 court of the county in which the administrative judge resides shall
18 provide the administrative judge with space in the county
19 courthouse that is adequate for the administrative judge to carry
20 out the duties prescribed by this subchapter.

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

25 Sec. 469.036. COMPENSATION; EXPENSES. (a) The
26 administrative judge is entitled to the same compensation and
27 allowances provided by the state and county for a district judge in

1 the county in which the administrative judge resides, including:

2 (1) the compensation to which a district judge is
3 entitled, including the same annual salary a district judge is
4 entitled to receive from the state under Section 659.012,
5 Government Code, and any applicable participation in a retirement
6 system or program; and

7 (2) the same travel and other necessary expenses a
8 district judge is entitled to receive from the state under Section
9 24.019, Government Code.

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

13 (1) the state as provided by the General
14 Appropriations Act;

15 (2) county funds as authorized by the county
16 commissioners court; or

17 (3) any public or private grant.

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

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