

By: Zaffirini

S.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to the security of courts and judges in the state.

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

SECTION 1. Article 102.017(f), Code of Criminal Procedure, is amended to read as follows:

(f) The sheriff or other law enforcement agency or entity that provides security for a court [~~A local administrative judge~~] shall provide to the Office of Court Administration of the Texas Judicial System a written report regarding any security incident involving court security that occurs in or around a building housing a court for which the sheriff, agency, or entity provides security [~~judge serves as local administrative judge~~] not later than the third business day after the date the incident occurred.

SECTION 2. Subchapter A, Chapter 29, Government Code, is amended by adding Section 29.014 to read as follows:

Sec. 29.014. COURT SECURITY COMMITTEE. (a) The presiding or municipal judge, as applicable, shall establish a court security committee composed of:

(1) the presiding or municipal judge, or the judge's designee;

(2) a representative of the law enforcement agency or other entity that provides the primary security for the court;

(3) a representative of the municipality; and

(4) any other person the committee determines

1 necessary to assist the committee.

2 (b) The person described by Subsection (a)(1) serves as  
3 presiding officer of the committee.

4 (c) The committee shall establish the policies and  
5 procedures necessary to provide adequate security to the municipal  
6 courts served by the presiding or municipal judge, as applicable.

7 SECTION 3. Section 30.00007(b), Government Code, is amended  
8 to read as follows:

9 (b) The presiding judge shall:

10 (1) maintain a central docket for cases filed within  
11 the territorial limits of the municipality over which the municipal  
12 courts of record have jurisdiction;

13 (2) provide for the distribution of cases from the  
14 central docket to the individual municipal judges to equalize the  
15 distribution of business in the courts;

16 (3) request the jurors needed for cases that are set  
17 for trial by jury;

18 (4) temporarily assign judges or substitute judges to  
19 exchange benches and to act for each other in a proceeding pending  
20 in a court if necessary for the expeditious disposition of business  
21 in the courts; ~~and~~

22 (5) supervise and control the operation and clerical  
23 functions of the administrative department of each court, including  
24 the court's personnel, during the proceedings of the court; and

25 (6) establish a court security committee to adopt  
26 security policies and procedures for the courts served by the  
27 presiding judge that is composed of:

1           (A) the presiding judge, or the presiding judge's  
2 designee, who serves as presiding officer of the committee;

3           (B) a representative of the law enforcement  
4 agency or other entity that provides the primary security for the  
5 court;

6           (C) a representative of the municipality; and

7           (D) any other person the committee determines  
8 necessary to assist the committee.

9           SECTION 4. Subchapter B, Chapter 72, Government Code, is  
10 amended by adding Section 72.015 to read as follows:

11           Sec. 72.015. JUDICIAL SECURITY DIVISION. (a) The office  
12 shall establish a judicial security division to provide guidance to  
13 state court personnel on improving security for each court.

14           (b) The office shall appoint a director of security and  
15 emergency preparedness to oversee the judicial security division.

16           (c) The judicial security division shall:

17           (1) serve as a central resource for information on  
18 local and national best practices for court security and the safety  
19 of court personnel;

20           (2) provide an expert opinion on the technical aspects  
21 of court security; and

22           (3) keep abreast of and provide training on recent  
23 court security improvements.

24           SECTION 5. Section 74.092, Government Code, is amended to  
25 read as follows:

26           Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. A local  
27 administrative judge, for the courts for which the judge serves as

1 local administrative judge, shall:

2 (1) implement and execute the local rules of  
3 administration, including the assignment, docketing, transfer, and  
4 hearing of cases;

5 (2) appoint any special or standing committees  
6 necessary or desirable for court management and administration;

7 (3) promulgate local rules of administration if the  
8 other judges do not act by a majority vote;

9 (4) recommend to the regional presiding judge any  
10 needs for assignment from outside the county to dispose of court  
11 caseloads;

12 (5) supervise the expeditious movement of court  
13 caseloads, subject to local, regional, and state rules of  
14 administration;

15 (6) provide the supreme court and the office of court  
16 administration requested statistical and management information;

17 (7) set the hours and places for holding court in the  
18 county;

19 (8) supervise the employment and performance of  
20 nonjudicial personnel;

21 (9) supervise the budget and fiscal matters of the  
22 local courts, subject to local rules of administration;

23 (10) coordinate and cooperate with any other local  
24 administrative judge in the district in the assignment of cases in  
25 the courts' concurrent jurisdiction for the efficient operation of  
26 the court system and the effective administration of justice;

27 (11) if requested by the courts the judge serves,

1 establish and maintain the lists required by Section 37.003 and  
2 ensure appointments are made from the lists in accordance with  
3 Section 37.004; ~~and~~

4 (12) perform other duties as may be directed by the  
5 chief justice or a regional presiding judge; and

6 (13) establish a court security committee to adopt  
7 security policies and procedures for the courts served by the local  
8 administrative judge that is composed of:

9 (A) the local administrative judge, or the  
10 judge's designee, who serves as presiding officer of the committee;

11 (B) a representative of the sheriff's office;

12 (C) a representative of the county;

13 (D) one judge of each type of court served by the  
14 local administrative judge; and

15 (E) any other person the committee determines  
16 necessary to assist the committee.

17 SECTION 6. Subtitle L, Title 2, Government Code, is amended  
18 by adding Chapter 158 to read as follows:

19 CHAPTER 158. COURT SECURITY OFFICERS

20 Sec. 158.001. DEFINITION. In this chapter, "court security  
21 officer" means a sheriff, sheriff's deputy, municipal peace  
22 officer, or any other person who provides security for an  
23 appellate, district, statutory county, county, municipal, or  
24 justice court in this state.

25 Sec. 158.002. COURT SECURITY CERTIFICATION. (a) Except as  
26 provided by Subsection (b), a person may not serve as a court  
27 security officer for an appellate, district, statutory county,

1 county, municipal, or justice court in this state unless the person  
2 holds a court security certification issued by a training program  
3 approved by the Texas Commission on Law Enforcement.

4 (b) A court security officer is not required to hold a court  
5 security certification to provide security to a court described by  
6 Subsection (a) before the first anniversary of the date the officer  
7 begins providing security for the court.

8 Sec. 158.003. VERIFICATION. The sheriff, law enforcement  
9 agency, or other entity that provides security for a court shall  
10 verify that each court security officer holds the court security  
11 certification as required by this chapter.

12 SECTION 7. Subchapter D, Chapter 411, Government Code, is  
13 amended by adding Section 411.0485 to read as follows:

14 Sec. 411.0485. PROTECTION FOR JUDGES. (a) The department  
15 as the department determines appropriate may provide personal  
16 security to a state judge who has been threatened or attacked.

17 (b) The department may protect a threatened or attacked  
18 judge at locations outside of the jurisdiction in which the judge  
19 serves.

20 SECTION 8. Section 552.117(a), Government Code, is amended  
21 to read as follows:

22 (a) Information is excepted from the requirements of  
23 Section 552.021 if it is information that relates to the home  
24 address, home telephone number, emergency contact information, or  
25 social security number of the following person or that reveals  
26 whether the person has family members:

27 (1) a current or former official or employee of a

1 governmental body, except as otherwise provided by Section 552.024;

2 (2) a peace officer as defined by Article 2.12, Code of  
3 Criminal Procedure, or a security officer commissioned under  
4 Section 51.212, Education Code, regardless of whether the officer  
5 complies with Section 552.024 or 552.1175, as applicable;

6 (3) a current or former employee of the Texas  
7 Department of Criminal Justice or of the predecessor in function of  
8 the department or any division of the department, regardless of  
9 whether the current or former employee complies with Section  
10 552.1175;

11 (4) a peace officer as defined by Article 2.12, Code of  
12 Criminal Procedure, or other law, a reserve law enforcement  
13 officer, a commissioned deputy game warden, or a corrections  
14 officer in a municipal, county, or state penal institution in this  
15 state who was killed in the line of duty, regardless of whether the  
16 deceased complied with Section 552.024 or 552.1175;

17 (5) a commissioned security officer as defined by  
18 Section 1702.002, Occupations Code, regardless of whether the  
19 officer complies with Section 552.024 or 552.1175, as applicable;

20 (6) an officer or employee of a community supervision  
21 and corrections department established under Chapter 76 who  
22 performs a duty described by Section 76.004(b), regardless of  
23 whether the officer or employee complies with Section 552.024 or  
24 552.1175;

25 (7) a current or former employee of the office of the  
26 attorney general who is or was assigned to a division of that office  
27 the duties of which involve law enforcement, regardless of whether

1 the current or former employee complies with Section 552.024 or  
2 552.1175;

3 (8) a current or former employee of the Texas Juvenile  
4 Justice Department or of the predecessors in function of the  
5 department, regardless of whether the current or former employee  
6 complies with Section 552.024 or 552.1175;

7 (9) a current or former juvenile probation or  
8 supervision officer certified by the Texas Juvenile Justice  
9 Department, or the predecessors in function of the department,  
10 under Title 12, Human Resources Code, regardless of whether the  
11 current or former officer complies with Section 552.024 or  
12 552.1175;

13 (10) a current or former employee of a juvenile  
14 justice program or facility, as those terms are defined by Section  
15 261.405, Family Code, regardless of whether the current or former  
16 employee complies with Section 552.024 or 552.1175; [~~or~~]

17 (11) a current or former member of the Texas military  
18 forces, as that term is defined by Section 437.001; or

19 (12) a current or former federal judge or state judge  
20 or a spouse of a current or former federal judge or state judge.

21 SECTION 9. Subchapter B, Chapter 572, Government Code, is  
22 amended by adding Section 572.035 to read as follows:

23 Sec. 572.035. REMOVAL OF PERSONAL INFORMATION FOR FEDERAL  
24 JUDGES, STATE JUDGES, AND SPOUSES. The commission shall remove or  
25 redact from any financial statement, or information derived from a  
26 financial statement, that is available to the public the residence  
27 address of a federal judge, a state judge, or the spouse of a

1 federal or state judge on the judge's qualification for the judge's  
2 office.

3 SECTION 10. Section 13.0021(b), Election Code, is amended  
4 to read as follows:

5 (b) If the registration applicant is a federal judge, a  
6 state judge, or the spouse of a state judge or a federal judge, the  
7 registrar of the county shall omit [~~who seeks to have~~] the  
8 applicant's residence address [~~omitted~~] from the registration  
9 list[, ~~the applicant shall include with the application an~~  
10 ~~affidavit stating that the applicant is a federal judge or state~~  
11 ~~judge or the spouse of a federal judge or state judge~~].

12 SECTION 11. Section 15.0215, Election Code, is amended to  
13 read as follows:

14 Sec. 15.0215. OMISSION OF ADDRESS FOR [~~NOTICE OF~~] FEDERAL  
15 JUDGE OR STATE JUDGE AND SPOUSE [~~STATUS~~]. (a) In this section,  
16 "federal judge" and "state judge" have the meanings assigned by  
17 Section 13.0021.

18 (b) On a person's qualification for office as a [A] federal  
19 judge or [~~a~~] state judge, [~~or the spouse of a federal judge or~~  
20 ~~state judge who is registered to vote may at any time submit to~~] the  
21 registrar of the county in which the judge resides shall omit from  
22 the registration list the residence address of the judge and the  
23 spouse of the judge [~~an affidavit stating that the voter is a~~  
24 ~~federal judge or state judge or the spouse of a federal judge or~~  
25 ~~state judge~~].

26 SECTION 12. Subchapter F, Chapter 1701, Occupations Code,  
27 is amended by adding Section 1701.267 to read as follows:

1       Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY  
2 OFFICERS. (a) The commission, in consultation with the Office of  
3 Court Administration of the Texas Judicial System, shall develop a  
4 model court security curriculum for court security officers, as  
5 required by Chapter 158, Government Code, and provide the  
6 curriculum to any training program the commission approves to  
7 provide training to court security officers.

8       (b) The commission shall issue a certificate to each court  
9 security officer who completes the training program under this  
10 section.

11       SECTION 13. Section 11.008, Property Code, is amended by  
12 adding Subsection (j) to read as follows:

13       (j) The county clerk shall omit or redact from all public  
14 records in the county the social security number, driver's license  
15 number, and residence address of a federal judge, state judge, or  
16 spouse of a federal or state judge on the judge's qualification for  
17 office.

18       SECTION 14. Section 25.025(b), Tax Code, is amended to read  
19 as follows:

20       (b) Information in appraisal records under Section 25.02 is  
21 confidential and is available only for the official use of the  
22 appraisal district, this state, the comptroller, and taxing units  
23 and political subdivisions of this state if:

24           (1) the information identifies the home address of a  
25 named individual to whom this section applies; and

26           (2) the individual:  
27               (A) chooses to restrict public access to the

1 information on the form prescribed for that purpose by the  
2 comptroller under Section 5.07; or

3 (B) is a federal or state judge or the spouse of a  
4 federal or state judge, beginning on the date the judge qualifies  
5 for the judge's office.

6 SECTION 15. Section 521.121(c), Transportation Code, is  
7 amended to read as follows:

8 (c) On a license holder's qualification for office as a  
9 federal or state judge, the [The] department shall establish a  
10 procedure [~~for a federal judge, a state judge, or the spouse of a~~  
11 ~~federal or state judge~~] to omit the [~~license holder's~~] residence  
12 address of the judge and the spouse of the judge on the license  
13 holder's license and to include, in lieu of that address, the street  
14 address of the courthouse in which the license holder or license  
15 holder's spouse serves as a federal judge or state judge. [~~In~~  
16 ~~establishing the procedure, the department shall require~~  
17 ~~sufficient documentary evidence to establish the license holder's~~  
18 ~~status as a federal judge, a state judge, or the spouse of a federal~~  
19 ~~or state judge.~~]

20 SECTION 16. (a) Not later than January 1, 2018, the  
21 Department of Public Safety, the Texas Ethics Commission, each  
22 county clerk, each registrar, and any other county official  
23 responsible for county records shall establish the policies and  
24 procedures necessary to comply with the changes in law made by this  
25 Act.

26 (b) As soon as practicable after the effective date of this  
27 Act:

1           (1) the Office of Court Administration of the Texas  
2 Judicial System shall establish the judicial security division; and

3           (2) each judge required to establish a court security  
4 committee under this Act shall establish the committee.

5           SECTION 17. This Act takes effect September 1, 2017.