

BILL ANALYSIS

C.S.H.B. 1359
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that while practicing attorneys receive an identification card issued by the county or municipality in which they practice for purposes of bypassing security when entering a courthouse in that county or municipality, many attorneys practice in multiple counties and municipalities and are therefore regularly subjected to security services before entering a courthouse. In response, it has been suggested that there should be an alternative form of identification issued by the State Bar of Texas for such purposes. C.S.H.B. 1359 allows for this alternative.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1359 amends the Government Code to authorize the State Bar of Texas to issue to a member of the state bar a security services identification card that authorizes the member to enter a building that houses a court without passing through security services. The card may be in an electronic or physical format and must include a photograph of the member taken within the five years preceding the date of the card's issuance. The bill authorizes a member of the state bar to apply for issuance of such a card by submitting to the state bar an application, a form authorizing the state bar to obtain criminal history record information on the applicant, and a reasonable fee in the amount set by the state bar to cover the costs of implementing the applicable bill provisions. The bill entitles the state bar to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who is licensed by the state bar and applies for issuance of a security services identification card. The bill requires the state bar to remit a portion of each collected fee in an amount not less than \$50 as prescribed by state bar rules to the county treasurer, or person performing the functions of the county treasurer, of the county of the applicant's primary practice location and restricts the county's use of the money to court security purposes. The bill requires the state bar to adopt rules to implement the bill's provisions relating to the security services identification card, including rules regarding the collection and distribution of fees; the approval, denial, and revocation of a card; and the establishment of a committee with specified card-related duties.

C.S.H.B. 1359 gives an attorney licensed to practice law in Texas the option to present the attorney's security services identification card as an alternative to an identification card issued or authorized for issuance by a county or municipality to enter a building that houses a justice

court, municipal court, county court, county court at law, or district court without passing through security services. The bill prohibits a county or municipality from adopting or enforcing an order or ordinance that conflicts with this provision.

C.S.H.B. 1359 requires the state bar to adopt the rules, fees, forms, and procedures necessary to implement the bill's provisions.

C.S.H.B. 1359 amends the Local Government Code to make a conforming change.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1359 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the identification card that may be used by an attorney to enter a building that houses a court without passing through security services under the bill's provisions from the attorney's state bar membership card to the attorney's security services identification card issued by the state bar. The substitute contains provisions relating to the application for and issuance of such an identification card, including provisions relating to the remittance and use of application fees and the adoption of rules, fees, forms, and procedures by the state bar.

The substitute includes a provision entitling the state bar to obtain from DPS criminal history record information maintained by DPS that relates to a person who is licensed by the state bar and applies for issuance of a security services identification card.