

BILL ANALYSIS

H.B. 976
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls to expand access to specialty court programs as these programs help divert defendants from the criminal justice system and into treatment to address the underlying problems that led to their behavior. Currently, only a district court judge whose judicial district includes the participating counties may preside over and hear all levels of cases from all participating counties. If a particular district judge's docket prevents them from taking on the additional duties of a specialty court program, defendants in those counties are unable to access the program. Meanwhile, there are reports of district court judges and judges and magistrates of county courts and statutory courts who would like to preside over a specialty court program but do not have the jurisdictional authority to do so. H.B. 976 seeks to expand access to specialty court programs by authorizing additional judges and magistrates to preside over a regional specialty court program under certain circumstances and to authorize a presiding judge to hear certain cases transferred to the program regardless of whether the originating court and program are in the same county.

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

H.B. 976 amends the Government Code to authorize a judge or magistrate of a district court or statutory county court who is authorized by law to hear criminal cases to be appointed to preside over a regional specialty court program under the following circumstances:

- the local administrative district and statutory county court judges of each county participating in the program approve the appointment by majority vote or another approval method selected by the judges; and
- the presiding judges of each of the administrative judicial regions in which the participating counties are located sign an order granting the appointment.

H.B. 976 authorizes a judge or magistrate appointed to preside over a regional specialty court program to hear any misdemeanor or felony case properly transferred to the program by an originating trial court participating in the program, regardless of whether the originating trial court and specialty court program are in the same county. The bill sets out the powers of a judge or magistrate so appointed and grants a visiting judge assigned to preside over a regional specialty court program the same authority as the judge or magistrate appointed to preside over

the program. These provisions apply to a case pending in a regional specialty court program on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2021.