

BILL ANALYSIS

H.B. 3913
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Judges play a crucial role in addressing domestic violence as their decisions affect the lives of the victim, the abuser, and their children, as well as the community around them. Currently, judges are required to complete 12 hours of training during their first term, and at least six of those hours must be dedicated to a combination of training on gender bias, victim and offender services resources, and dynamics of being a victim of family violence, sexual assault, trafficking, or child abuse and neglect. Judges have considerable discretion at multiple points in a case, and those decisions can be shaped by their beliefs. Victims have reported being met with ignorance, and worse, condescension when they go before judges. Even well-meaning judges may engage in victim-blaming statements, such as criticizing victims for their actions. This can be remedied by increased training on domestic violence issues to better understand the dynamics involved. H.B. 3913 seeks to address this issue by setting out additional training on the dynamics and effects of being a victim of family violence required for certain judges and judicial officers.

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 rulemaking authority is expressly granted to the Texas Court of Criminal Appeals in SECTION 1 of this bill.

ANALYSIS

H.B. 3913 amends the Government Code to require the rules adopted by the Texas Court of Criminal Appeals (CCA) regarding certain continuing judicial training to require each judge of a court having primary responsibility for or giving preference to family law or family violence matters to complete an additional two hours of training every two years dedicated to the dynamics and effects of being a victim of family violence. The bill requires the additional five hours of training for each applicable judge or judicial officer required under those rules to include at least one hour dedicated to the dynamics and effects of being a victim of family violence.

H.B. 3913 requires the CCA to adopt the rules necessary to provide the training required by the bill not later than December 1, 2021, and requires a judge, master, referee, and magistrate who is in office on the bill's effective date to complete the applicable training not later than December 1, 2023.

EFFECTIVE DATE

September 1, 2021.