By:  Hinojosa, et al. (Senate Sponsor - Zaffirini) H.B. No. 4293

(In the Senate - Received from the House May 14, 2021; May 14, 2021, read first time and referred to Committee on Criminal Justice; May 22, 2021, reported favorably by the following vote: Yeas 6, Nays 1; May 22, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles           X

Nichols             X

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a court reminder program for criminal defendants.

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

SECTION 1.  Chapter 75, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. COURT REMINDER PROGRAM

Sec. 75.601.  ESTABLISHMENT OF STATE PROGRAM FOR PARTICIPATING COUNTIES. (a) The Office of Court Administration of the Texas Judicial System shall develop and make available to each county a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances. The purposes of the program must include:

(1)  reducing costs associated with defendants who fail to appear for a scheduled court appearance;

(2)  improving the efficiency of courts in this state;

(3)  reminding criminal defendants to appear at each scheduled court appearance; and

(4)  reducing the number of criminal defendants who are confined in a county jail due solely to the defendant's failure to appear for a scheduled court appearance.

(b)  The program must:

(1)  be available to each county at no cost;

(2)  comply with applicable state and federal laws requiring the consent of an individual before sending a reminder by text message;

(3)  provide text message reminders for each court appearance of a defendant who has access to a device with the technological capability of receiving text messages and provides the court administrator with an operational phone number for the device;

(4)  document each occurrence of a criminal defendant receiving a text message reminder;

(5)  identify criminal defendants with scheduled court appearances who lack access to devices with the technological capability of receiving text messages;

(6)  document the number of criminal defendants who fail to appear at scheduled court appearances after being sent one or more text message reminders;

(7)  include the technological capability, at the discretion of the local administrative judge, to provide additional information to criminal defendants concerning scheduled court appearances, such as the location of the court appearance, available transportation options, and procedures for defendants who are unable to attend court appearances;

(8)  support partnerships with local law enforcement agencies, local governments, and local public defenders in accordance with the purposes described by Subsection (a); and

(9)  provide one or more publicly available Internet websites through which criminal defendants may request text reminders.

Sec. 75.602.  ESTABLISHMENT OF COUNTY PROGRAMS. (a) The judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county shall establish a court reminder program that allows the county to send a text message to notify criminal defendants of scheduled court appearances.

(b)  In developing the court reminder program, the judges may join the state program developed under Section 75.601 or develop a county program that allows the county to send text message notifications to criminal defendants and that complies with the requirements of Section 75.601(b).

Sec. 75.603.  MUNICIPAL PROGRAM. (a) The Office of Court Administration of the Texas Judicial System, or the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county, may partner with municipalities and local law enforcement agencies to allow:

(1)  individuals to whom a peace officer issues a citation and releases to receive text message reminders of scheduled court appearances; and

(2)  criminal defendants in municipal court to receive text message reminders of scheduled court appearances.

(b)  Any municipality that partners with the Office of Court Administration of the Texas Judicial System shall pay all costs of sending reminders to municipal criminal defendants, including the costs of linking the municipal court database with the state court administrator database.

SECTION 2.  Not later than September 1, 2022, the Office of Court Administration of the Texas Judicial System and the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county shall develop and make available the court reminder program as required by Subchapter J, Chapter 75, Government Code, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2021.

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