

By: Hernandez

H.B. No. 2714

A BILL TO BE ENTITLED

AN ACT

relating to implicit bias training for justices and judges of state courts, judicial officers, certain court personnel, and attorneys licensed to practice law in this state.

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

SECTION 1. The heading to Chapter 56, Government Code, is amended to read as follows:

CHAPTER 56. JUDICIAL AND COURT PERSONNEL TRAINING [~~FUND~~]

SECTION 2. Chapter 56, Government Code, is amended by designating Sections 56.001, 56.002, 56.003, 56.004, 56.005, 56.006, and 56.007 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. JUDICIAL AND COURT PERSONNEL TRAINING FUND

SECTION 3. Section 56.005(c), Government Code, is amended to read as follows:

(c) An entity receiving a grant of funds from the court of criminal appeals under this subchapter [~~chapter~~] for the education of municipal court judges and their personnel shall designate a committee to recommend educational requirements and course content, credit, and standards for the purposes of the grant awarded.

SECTION 4. Section 56.006, Government Code, is amended to read as follows:

Sec. 56.006. RULES; OVERSIGHT. (a) The court of criminal

1 appeals may adopt rules for programs relating to education and  
2 training for attorneys, judges, justices of the peace, district  
3 clerks, county clerks, law enforcement officers, law students,  
4 other participants, and court personnel, including court  
5 coordinators, as provided by Section 56.003 and Subchapter B and  
6 for the administration of those programs, including rules that:

7 (1) require entities receiving a grant of funds to  
8 provide legislatively required training; and

9 (2) base the awarding of grant funds to an entity on  
10 qualitative information about the entity's programs or services and  
11 the entity's ability to meet financial performance standards.

12 (b) The court of criminal appeals, for the proper  
13 administration of this chapter and as part of its oversight of  
14 training programs for attorneys, judges, justices of the peace,  
15 district clerks, county clerks, law enforcement officers, law  
16 students, other participants, and court personnel, including court  
17 coordinators, as provided by Section 56.003 and Subchapter B, shall  
18 monitor both the financial performance and the program performance  
19 of entities receiving a grant of funds under this subchapter  
20 [~~chapter~~].

21 SECTION 5. Section 56.007, Government Code, is amended to  
22 read as follows:

23 Sec. 56.007. ADMINISTRATIVE EXPENSES. An entity receiving  
24 a grant of funds from the court of criminal appeals under this  
25 subchapter [~~chapter~~] for continuing legal education, technical  
26 assistance, and other support programs may not use grant funds to  
27 pay any costs of the entity not related to approved grant

1 activities.

2 SECTION 6. Chapter 56, Government Code, is amended by  
3 adding Subchapter B to read as follows:

4 SUBCHAPTER B. JUDICIAL TRAINING

5 Sec. 56.051. REQUIRED IMPLICIT BIAS TRAINING. (a) This  
6 section applies to:

7 (1) justices of the supreme court, judges of appellate  
8 courts, district courts, county courts at law, county courts  
9 performing judicial functions, full-time associate judges and  
10 masters appointed pursuant to Chapter 201, Family Code, full-time  
11 and part-time masters, magistrates, referees, and associate judges  
12 appointed pursuant to Chapter 54 or 54A, and judges of justice  
13 courts and municipal courts; and

14 (2) any judicial officers and court personnel who  
15 interact with the public on matters before the court as determined  
16 by the supreme court.

17 (b) Each person subject to this section shall complete a  
18 course of instruction on implicit bias regarding racial, ethnic,  
19 gender, religious, age, mental disability, and physical disability  
20 and sexual harassment issues.

21 (c) An implicit bias course must include:

22 (1) information on the social science of implicit  
23 bias, explicit bias, unconscious bias, and systemic implicit bias,  
24 including the manner in which bias affects institutional policies  
25 and practices;

26 (2) a discussion of the historical reasons for, and  
27 the present consequences of, the implicit biases people hold;

1           (3) examples of:

2                   (A) the manner in which implicit bias affects the  
3 perceptions, judgments, and actions of judges, judicial officers,  
4 and other court personnel; and

5                   (B) the unacceptable disparities in access to  
6 justice that result from those perceptions, judgments, and actions;

7           (4) administration of implicit association tests to  
8 increase awareness of unconscious biases;

9           (5) strategies to reduce the impact of implicit bias  
10 on parties before the court, court staff, and the public; and

11           (6) a discussion of the manner in which judges and  
12 judicial officers are able to counteract the effect of juror  
13 implicit bias on the outcome of cases.

14           (d) The court of criminal appeals shall approve a course  
15 that provides the instruction required by this section. To be  
16 approved by the court of criminal appeals, the instructor of the  
17 course must have academic training in implicit bias or have  
18 experience providing training to legal professionals about  
19 implicit bias and the effects of that bias on people accessing and  
20 interacting with the legal system.

21           (e) Each person subject to this section must complete  
22 through a course approved by the court of criminal appeals two hours  
23 of implicit bias instruction every two years beginning:

24                   (1) the year the justice or judge is elected or  
25 appointed to office; or

26                   (2) the year the person began employment as a judicial  
27 officer or court personnel in a position determined by the court of

1 criminal appeals to require training.

2 (f) The court of criminal appeals shall adopt rules to  
3 administer this section.

4 SECTION 7. Subchapter H, Chapter 81, Government Code, is  
5 amended by adding Section 81.116 to read as follows:

6 Sec. 81.116. CONTINUING EDUCATION ON IMPLICIT BIAS. (a)  
7 Each attorney licensed to practice law in this state is subject to  
8 this section and required to attend continuing education on  
9 implicit bias and bias-reducing strategies to address the manner in  
10 which unintended biases regarding racial, ethnic, gender,  
11 religious, age, mental disability, and physical disability and  
12 sexual harassment issues undermine confidence in the legal system.

13 (b) An attorney shall complete one hour of the continuing  
14 education program required under this section for each continuing  
15 education requirement compliance period.

16 (c) A course qualifies for continuing education under this  
17 section if the course:

18 (1) discusses actions an attorney may take to  
19 recognize and address the attorney's implicit biases;

20 (2) instructs attorneys in critically examining  
21 common stereotypes and cultural assumptions often held by  
22 communities;

23 (3) facilitates the observation and exploration of  
24 cultural differences to increase a participant's:

25 (A) awareness of the effect cultural differences  
26 have on attitudes and behaviors; and

27 (B) appreciation for the commonalities that

1 exist across diverse cultures;

2 (4) examines the direct effect diversity skills have  
3 on judicial proceedings; and

4 (5) teaches usable skills for serving a diverse  
5 community.

6 (d) The state bar shall approve a continuing education  
7 course required by this section. To be approved by the state bar,  
8 the instructor of the course must have either academic training in  
9 implicit bias or have experience educating legal professionals  
10 about implicit bias and the effects of that bias on people accessing  
11 and interacting with the legal system.

12 (e) A course approved under this section must include a  
13 component regarding the impact of implicit bias, explicit bias, and  
14 systemic implicit bias on the legal system and the effect such  
15 biases can have on people accessing and interacting with the legal  
16 system.

17 SECTION 8. (a) Not later than January 1, 2022:

18 (1) the Texas Court of Criminal Appeals shall adopt  
19 the rules necessary to provide the training required under Section  
20 56.051, Government Code, as added by this Act; and

21 (2) the State Bar of Texas shall adopt any rules  
22 necessary to provide the training required by Section 81.116,  
23 Government Code, as added by this Act.

24 (b) Notwithstanding Section 56.051(e), Government Code, as  
25 added by this Act, a person serving as a justice or judge of a state  
26 court or employed as a judicial officer or court personnel on the  
27 effective date of this Act who is required under Section 56.051(b),

1 Government Code, as added by this Act, to take a training course in  
2 implicit bias must initially complete the training course required  
3 under Section 56.051, Government Code, as added by this Act, not  
4 later than January 1, 2024.

5 SECTION 9. This Act takes effect September 1, 2021.