

SENATE AMENDMENTS

2nd Printing

By: Hinojosa, Krause, Moody, Leach,
González of Dallas

H.B. No. 4293

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 SUBCHAPTER J. COURT REMINDER PROGRAM

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

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

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

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

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

22 (b) The program must:

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

24 (2) comply with applicable state and federal laws

1 requiring the consent of an individual before sending a reminder by
2 text message;

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

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

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 2. Not later than September 1, 2022, the Office of

1 Court Administration of the Texas Judicial System and the judges of
2 the county courts, statutory county courts, and district courts
3 with jurisdiction over criminal cases in each county shall develop
4 and make available the court reminder program as required by
5 Subchapter J, Chapter 75, Government Code, as added by this Act.

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

ADOPTED

MAY 24 2021

Latey Law
Secretary of the Senate

Zaffirini

FLOOR AMENDMENT NO. 1

BY: _____

1 Amend H.B. No. 4293 (senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in added Section 75.602(a),
3 Government Code (page 2, line 7), strike "judges" and substitute
4 "justices of the justice courts and judges".

5 (2) In SECTION 1 of the bill, in added Section 75.602(a),
6 Government Code (page 2, line 8), strike "shall" and substitute
7 "may".

8 (3) In SECTION 1 of the bill, in added Section 75.602(b),
9 Government Code (page 2, line 12), between "the" and "judges",
10 insert "justices and".

11 (4) In SECTION 1 of the bill, in added Section 75.603(a),
12 Government Code (page 2, line 18), between "the" and "judges",
13 insert "justices of the justice courts and".

14 (5) Strike SECTION 2 of the bill (page 2, lines 32 through
15 37), substitute the following appropriately numbered SECTION, and
16 renumber subsequent SECTIONS of the bill accordingly:

17 SECTION _____. (a) Not later than September 1, 2022, the
18 Office of Court Administration of the Texas Judicial System shall
19 develop and make available the court reminder program as required
20 by Section 75.601, Government Code, as added by this Act.

21 (b) The Office of Court Administration of the Texas Judicial
22 System is required to implement a provision of this Act only if the
23 legislature appropriates money specifically for that purpose. If
24 the legislature does not appropriate money specifically for that
25 purpose, the office may, but is not required to, implement a
26 provision of this Act using other appropriations available for that
27 purpose.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 25, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4293 by Hinojosa (Relating to the creation of a court reminder program for criminal defendants.),
As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for HB4293, As Passed 2nd House :
a negative impact of (\$121,852) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill. The Office of Court Administration of the Texas Judicial System is required to implement a provision of the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the office may, but is not required to, implement a provision of the bill using other appropriations available for that purpose.

General Revenue-Related Funds, Five- Year Impact:

| <i>Fiscal Year</i> | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|--------------------|---|
| 2022 | (\$60,926) |
| 2023 | (\$60,926) |
| 2024 | (\$60,926) |
| 2025 | (\$60,926) |
| 2026 | (\$60,926) |

All Funds, Five-Year Impact:

| <i>Fiscal Year</i> | Probable Savings/(Cost) from General Revenue Fund 1 |
|--------------------|--|
| 2022 | (\$60,926) |
| 2023 | (\$60,926) |
| 2024 | (\$60,926) |
| 2025 | (\$60,926) |
| 2026 | (\$60,926) |

Fiscal Analysis

The bill would amend the Government Code to require courts with jurisdiction over criminal cases to adopt a court reminder program that allows a county to send a text message to notify criminal defendants of scheduled court appearances.

The bill would require the Office of Court Administration of the Texas Judicial System (OCA) to develop and

make available to counties a court reminder program that allows for such notifications. The bill would establish specific requirements for the court reminder program that OCA develops, including being available to counties at no cost, requiring the consent of the defendant before sending a reminder by text message, identifying defendants who lack access to devices capable of receiving text messages, documenting the number of defendants who failed to appear after being sent one or more text message reminders, and the capability of providing additional information regarding a scheduled court appearance, including the location of the court, available transportation options, and procedures to follow if a person is unable to attend court.

Under the bill's provisions, courts could elect to use the court reminder program developed by OCA or develop a county program that meets the requirements of the bill. The bill would permit OCA or the courts in a county with criminal jurisdiction to partner with municipalities and local law enforcement agencies to allow individuals to whom a peace officer has issued a citation and released to receive text message reminders of scheduled court appearances and criminal defendants in municipal courts to receive text message reminders of scheduled court appearances. Municipalities using OCA's program would have to pay all costs of sending reminders to defendants, including the costs of linking the municipal court database with OCA's program.

The bill would take effect September 1, 2021.

Methodology

Costs reflected in the table above are based on information provided by OCA.

In fiscal year 2019, the last complete year unaffected by the COVID-19 pandemic, there were 1,233,119 cases that would have been likely to use the court reminder notification system. Because case filings, prior to the COVID-19 pandemic, had been relatively consistent, for the purposes of this analysis it is assumed that fiscal years 2022-2026 would see the same number of cases likely to use the court reminder system.

This analysis assumes that each case would have an average of 4 court settings, which would result in 4,923,476 notifications. It is also assumed that costs would be realized in the amounts of \$18,000 per year to lease a 6-digit vanity short code for the text messages; \$32,926 per year for the text message costs ($\$0.0075 \times 4,923,476$); and \$10,000 per year for cloud storage costs. This analysis also assumes that necessary programming would be accomplished by existing OCA staff.

Local Government Impact

According to Travis County, the bill's provisions would provide a court appearance reminder program for criminal defendants at no additional cost to the county.

The County and District Clerks Association of Texas reports a significant impact. According to the Clerks Association, county and district clerks would provide the Office of Court Administration (OCA) with the defendants' contact information and appearance dates. The Clerks' case management system does not collect such information, and workload or cost increases may be required to collect the data OCA needs to provide the program.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, CMA, DKN, MW, BH, SLE, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4293 by Hinojosa (Relating to the creation of a court reminder program for criminal defendants.),
As Engrossed

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LBB Staff: JMc, DKN, MW, BH, SLE, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 13, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4293 by Hinojosa (Relating to the creation of a court reminder program for criminal defendants.),
As Introduced

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