

BILL ANALYSIS

Senate Research Center
88R3484 AMF-F

H.B. 2741
By: Smith (Hinojosa)
Criminal Justice
5/18/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State district judges have expressed concerns about matters relating to specialty courts. Under current law, the juvenile family drug court program is excluded from the specialty courts considered to be treatment courts by the Specialty Court Advisory Council (council). Furthermore, council recommendations are required to be provided to the criminal justice division of the governor's office, even though the law was previously changed to give the Office of Court Administration of the Texas Judicial System (OCA) responsibility in this area. Lastly, current law provides for the governor to appoint the nine-member council board with four appointments required to be judges with experience in specific types of specialty courts, thus limiting the pool of judges available to serve.

Bill Details:

- Adds the juvenile family drug court program to the courts considered to be specialty treatment court.
- Requires that the council's best practices recommendations be made to the Texas Judicial Council and OCA, in addition to the governor's criminal justice division.
- Authorizes the governor to appoint judges to the council with experience from any specialty court program.

H.B. 2741 amends current law relating to the duties and composition of the Specialty Courts Advisory Council.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 772.0061(a)(2), Government Code, to redefine "specialty court."

SECTION 2. Amends Sections 772.0061(b) and (c), Government Code, as follows:

(b) Requires the governor to establish the Specialty Courts Advisory Council (council) within the criminal justice division of the Office of the Governor (division) established under a certain section to make recommendations to the Texas Judicial Council (TJC), the Office of Court Administration of the Texas Judicial System (OCA), and the division regarding best practices for specialty courts established under Chapter 130 (Juvenile Family Drug Court Program), or former law. Makes a nonsubstantive change.

(c) Provides that the council is composed of nine members appointed by the governor, including four members, each of whom has experience as the judge of at least one specialty court described by Subsection (a)(2) (relating to defining "specialty court"), and five members who represent the public. Deletes existing text providing that the council is composed of nine members appointed by the governor, including one member with

experience as the judge of a specialty court described by Subsection (a)(2)(A) (relating to providing that the definition "specialty court" includes a commercially sexually exploited persons court program), one member with experience as the judge of a specialty court described by Subsection (a)(2)(B) (relating to providing that the definition "specialty court" includes a family drug court program), one member with experience as the judge of a specialty court described by Subsection (a)(2)(C) (relating to providing that the definition "specialty court" includes a drug court program), and one member with experience as the judge of a specialty court described by Subsection (a)(2)(D) (relating to providing that the definition "specialty court" includes a veterans treatment court program).

SECTION 3. Effective date: September 1, 2023.