

BILL ANALYSIS

C.S.H.B. 3519
By: Hull
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State law requires new or first-term judges to complete four hours of training related to trafficking of persons and child abuse and neglect and that covers at least two related topics from a list outlined in the law. Additionally, judges are required to complete six hours of training on topics from a list of topics including available community and state resources for counseling and aid to victims and offenders, gender bias in the judicial process, and dynamics and effects of being a victim of family violence, sexual assault, trafficking of persons, or child abuse and neglect. However, judges may choose which of these topics to complete training on and may not receive training on all topics. For each subsequent term or every four years, a judge must complete at least two hours of training dedicated to trafficking of persons and child abuse and neglect. However, judges may opt out of this requirement if they do not hear related cases. All judges should receive training specific to dynamics of family violence so that no matter whether they are dealing with family violence, a divorce case, or another criminal matter, judges are trained to recognize family violence dynamics that may impact a proceeding and the parties involved. C.S.H.B. 3519 seeks to establish a one-hour training for all judges on the dynamics of family violence that is included as part of both the initial and the ongoing training requirements while also removing the aforementioned opt-out provision for judges who do not hear cases specific to family violence, sexual assault, trafficking of persons, or child abuse and neglect.

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

ANALYSIS

C.S.H.B. 3519 amends the Government Code to include training on the dynamics of family violence among the required judicial training related to family violence, sexual assault, trafficking of persons, and child abuse and neglect for judicial officers. The bill requires that training to be developed in consultation with a statewide family violence advocacy organization.

C.S.H.B. 3519 requires the rules adopted by the Texas Court of Criminal Appeals (CCA) related to such judicial training to require the following:

- that at least one hour of training dedicated to the dynamics of family violence be completed as part of the 12 hours of training that each district judge, judge of a statutory county court, associate judge, master, referee, and magistrate must complete within the judge's first term of office or the judicial officer's first four years of service and provide certification of completion;

- that at least one hour of training dedicated to dynamics of family violence be completed as part of the additional five hours of training that each judge and judicial officer must complete during each additional term in office or four years of service and provide certification of completion; and
- that each judge of a court having primary responsibility for family law or family violence matters complete an additional hour of training on the dynamics of family violence every two years.

C.S.H.B. 3519 changes the subjects on which each judge and judicial officer must complete at least two hours of training as part of the additional five hours of training from issues related to trafficking of persons and child abuse and neglect to the following:

- issues of child development that pertain to trafficking of persons and child abuse and neglect; and
- medical findings regarding physical abuse, sexual abuse, trafficking of persons, and child abuse and neglect.

C.S.H.B. 3519 removes the exemption from the training requirement for each judge or judicial officer who files an affidavit stating that the judge or judicial officer does not hear any cases involving family violence, sexual assault, trafficking of persons, or child abuse and neglect.

C.S.H.B. 3519 requires the CCA to adopt the rules necessary to provide the updated required training not later than December 1, 2023. The bill requires a judge, master, referee, or magistrate who is in office on the bill's effective date to complete the required training, as applicable, not later than December 1, 2025.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 3519 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.