

## **BILL ANALYSIS**

C.S.S.B. 855  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

State law requires certain 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 applicable 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. C.S.S.B. 855 seeks to address this issue by requiring certain judges to 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 any such proceeding and the parties involved.

### **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 rulemaking authority is expressly granted to the Texas Court of Criminal Appeals in SECTION 1 of this bill.

### **ANALYSIS**

C.S.S.B. 855 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.S.B. 855 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.S.B. 855 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.S.B. 855 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.S.B. 855 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 SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 855 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes provisions absent from the engrossed that do the following:

- require the rules adopted by the CAA to require 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 applicable judge must complete within the judge's first term of office; and
- require the rules to require that the judicial officer provide certification of completion of the five additional hours of training that they must complete during the first four years of their service.

The substitute includes provisions absent from the engrossed that change 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.

Whereas the engrossed required the rules to require each judge of a court having primary responsibility for or giving preference to family law or family violence matters to complete an additional two hours of training every two years dedicated to the dynamics of and effects on victims of family violence, the substitute requires the rules to require each judge of a court with primary responsibility for family law or family violence matters to complete and provide certification of completion of an additional hour of training on the dynamics of family violence every two years.

The substitute includes a provision absent from the engrossed removing 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.