

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 855
By: Alvarado; LaMantia
Criminal Justice
4/5/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

What does this bill do?

- S.B. 855 mandates family violence training for judges.

How does the bill do it?

- It amends the Texas Government Code to require judges to complete an additional hour of training dedicated to the dynamics of and effects on victims of family violence within the five already mandated hours of continuous training during each additional term in office.
- It requires judges who primarily handle family law and family violence cases to complete an additional two hours of training every two years.
- It directs the Court of Criminal Appeals to rely on specialized nonprofit organizations to provide the training.
- It mandates that judges and magistrates in office on the effective date of this act complete the judicial training by December 1, 2025.

Background and Purpose:

- Domestic violence situations turn lethal because victims are afraid to reveal the true extent of their abuse in court.
- It is imperative that our judicial system recognizes the signs of domestic violence and recommend the appropriate resources for victims.
- Appellate, district, and county court judges must complete at least 30 hours of instruction before or within one year of taking office. However, current statute does not mandate family violence training for judges.
- The additional training would help judges better understand the dynamics involved and facilitate the needs of domestic violence victims during judicial proceedings.
- By expanding judicial training, judges can prevent ongoing dangerous circumstances before they become lethal and can mitigate harm to victims.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 855 amends current law relating to continuing judicial training regarding family violence victims.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Court of Criminal Appeals is modified in SECTION 1 (Section 22.110, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.110, Government Code, by amending Subsections (b) and (d) and adding Subsection (d-2), as follows:

(b) Requires that the rules adopted by the Texas Court of Criminal Appeals (court of criminal appeals) necessary to accomplish the purposes of Section 22.110 (Judicial Instruction Related to Family Violence, Sexual Assault, Trafficking of Persons, and Child Abuse and Neglect):

(1) require each district judge, judge of a statutory county court, associate judge appointed under Chapter 54A (Associate Judges) of this code or Chapter 201 (Associate Judge), Family Code, master, referee, and magistrate to complete within the judge's first term of office or the judicial officer's first four years of service and provide certification, rather than a method for certification, of completion of at least 12 hours of training that includes certain content.

(2) require each judge and judicial officer to complete during each additional term in office or four years of service an additional five hours of training that includes:

(A) at least two hours dedicated to issues related to trafficking of persons and child abuse and neglect; and

(B) at least one hour dedicated to the dynamics of and effects on victims of family violence;

(3) 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; and

(4) makes a nonsubstantive change to this subdivision.

Makes nonsubstantive changes.

(d) Requires that the instruction include information about:

(1)-(10) makes no changes to these subdivisions;

(11)-(12) makes nonsubstantive changes to these subdivisions; and

(13) dynamics of family violence.

(d-2) Requires that the training described by Subsection (d)(13) be developed in consultation with a statewide family violence advocacy organization.

SECTION 2. (a) Requires the court of criminal appeals, not later than December 1, 2023, to adopt the rules necessary to provide the training required under Section 22.110, Government Code, as amended by this Act.

(b) Requires a judge, master, referee, or magistrate who is in office on the effective date of this Act, notwithstanding Section 22.110, Government Code, as amended by this Act, to complete the training required by Section 22.110, Government Code, as amended by this Act, as applicable, not later than December 1, 2025.

SECTION 3. Effective date: September 1, 2023.