

By: Alvarado, LaMantia

S.B. No. 855

A BILL TO BE ENTITLED

AN ACT

relating to continuing judicial training regarding family violence victims.

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

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

(b) The court of criminal appeals shall adopt the rules necessary to accomplish the purposes of this section. The rules must:

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

(A) at [.] At least four hours ~~[of the training must be]~~ dedicated to issues related to trafficking of persons and child abuse and neglect that cover ~~[and must cover]~~ at least two of the topics described in Subsections (d)(8)-(12); and

(B) at [.] At least six hours ~~[of the training must be]~~ dedicated to the training described by Subsections (d)(5), (6), and (7);

1           (2) [~~The rules must~~] require each judge and judicial  
2 officer to complete [~~an additional five hours of training~~] during  
3 each additional term in office or four years of service an  
4 additional five hours of training that includes:

5                   (A) at [~~At~~] least two hours [~~of the additional~~  
6 ~~training must be~~] dedicated to issues related to trafficking of  
7 persons and child abuse and neglect; and

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

10           (3) require each judge of a court having primary  
11 responsibility for or giving preference to family law or family  
12 violence matters to complete an additional two hours of training  
13 every two years dedicated to the dynamics of and effects on victims  
14 of family violence; and

15           (4) [~~The rules must~~] exempt from the training  
16 requirement of this subsection each judge or judicial officer who  
17 files an affidavit stating that the judge or judicial officer does  
18 not hear any cases involving family violence, sexual assault,  
19 trafficking of persons, or child abuse and neglect.

20           (d) The instruction must include information about:

21                   (1) statutory and case law relating to videotaping a  
22 child's testimony and relating to competency of children to  
23 testify;

24                   (2) methods for eliminating the trauma to the child  
25 caused by the court process;

26                   (3) case law, statutory law, and procedural rules  
27 relating to family violence, sexual assault, trafficking of

1 persons, and child abuse and neglect;

2 (4) methods for providing protection for victims of  
3 family violence, sexual assault, trafficking of persons, and child  
4 abuse and neglect;

5 (5) available community and state resources for  
6 counseling and other aid to victims and to offenders;

7 (6) gender bias in the judicial process;

8 (7) dynamics and effects of being a victim of family  
9 violence, sexual assault, trafficking of persons, or child abuse  
10 and neglect;

11 (8) dynamics of sexual abuse of children, including  
12 child abuse accommodation syndrome and grooming;

13 (9) impact of substance abuse on an unborn child and on  
14 a person's ability to care for a child;

15 (10) issues of attachment and bonding between children  
16 and caregivers;

17 (11) issues of child development that pertain to  
18 trafficking of persons and child abuse and neglect; ~~and~~

19 (12) medical findings regarding physical abuse,  
20 sexual abuse, trafficking of persons, and child abuse and neglect;  
21 and

22 (13) dynamics of family violence.

23 (d-2) The training described by Subsection (d)(13) must be  
24 developed in consultation with a statewide family violence advocacy  
25 organization.

26 SECTION 2. (a) Not later than December 1, 2023, the Texas  
27 Court of Criminal Appeals shall adopt the rules necessary to

1 provide the training required under Section 22.110, Government  
2 Code, as amended by this Act.

3 (b) Notwithstanding Section 22.110, Government Code, as  
4 amended by this Act, a judge, master, referee, or magistrate who is  
5 in office on the effective date of this Act must complete the  
6 training required by Section 22.110, Government Code, as amended by  
7 this Act, as applicable, not later than December 1, 2025.

8 SECTION 3. This Act takes effect September 1, 2023.