

By: Alvarado, et al.
(Hull, Leach, Johnson of Dallas, Vasut, Moody)

S.B. No. 855

Substitute the following for S.B. No. 855:

By: Slawson

C.S.S.B. No. 855

A BILL TO BE ENTITLED

AN ACT

relating to judicial training requirements regarding family violence.

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 require:

(1) 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 to complete and provide ~~a method for~~ certification of completion of 12 hours of ~~that~~ training that include at least:

(A) ~~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);

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

1 (C) one hour dedicated to the training described
2 by Subsection (d)(13);

3 (2) [~~—The rules must require~~] each judge and judicial
4 officer [~~to complete an additional five hours of training~~] during
5 each additional term in office or four years of service to complete
6 and provide certification of completion of an additional five hours
7 of training that include at least:

8 (A) [~~—At least~~] two hours [~~of the additional~~
9 training must be] dedicated to the training described by
10 Subsections (d)(11) and (12); and

11 (B) one hour dedicated to the training described
12 by Subsection (d)(13); and

13 (3) each judge of a court with primary responsibility
14 for family law or family violence matters to complete and provide
15 certification of completion of an additional hour of training
16 described by Subsection (d)(13) every two years [~~issues related to~~
17 trafficking of persons and child abuse and neglect. ~~The rules must~~
18 exempt from the training requirement of this subsection each judge
19 or judicial officer who files an affidavit stating that the judge or
20 judicial officer does not hear any cases involving family violence,
21 sexual assault, trafficking of persons, or child abuse and
22 neglect].

23 (d) The instruction must include information about:

24 (1) statutory and case law relating to videotaping a
25 child's testimony and relating to competency of children to
26 testify;

27 (2) methods for eliminating the trauma to the child

1 caused by the court process;

2 (3) case law, statutory law, and procedural rules
3 relating to family violence, sexual assault, trafficking of
4 persons, and child abuse and neglect;

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

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

10 (6) gender bias in the judicial process;

11 (7) dynamics and effects of being a victim of [~~family~~
12 ~~violence,~~] sexual assault, trafficking of persons, or child abuse
13 and neglect;

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

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

18 (10) issues of attachment and bonding between children
19 and caregivers;

20 (11) issues of child development that pertain to
21 trafficking of persons and child abuse and neglect; [~~and~~]

22 (12) medical findings regarding physical abuse,
23 sexual abuse, trafficking of persons, and child abuse and neglect;
24 and

25 (13) dynamics of family violence.

26 (d-2) The training described by Subsection (d)(13) must be
27 developed in consultation with a statewide family violence advocacy

1 organization.

2 SECTION 2. (a) Not later than December 1, 2023, the Texas
3 Court of Criminal Appeals shall adopt the rules necessary to
4 provide the training required under Section 22.110, Government
5 Code, as amended by this Act.

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

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