

1-1 By: Alvarado, LaMantia S.B. No. 855  
1-2 (In the Senate - Filed February 13, 2023; March 1, 2023,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 11, 2023, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 11, 2023,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 855 By: Flores

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to continuing judicial training regarding family violence  
1-20 victims.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 22.110, Government Code, is amended by  
1-23 amending Subsections (b) and (d) and adding Subsection (d-2) to  
1-24 read as follows:

1-25 (b) The court of criminal appeals shall adopt the rules  
1-26 necessary to accomplish the purposes of this section. The rules  
1-27 must:

1-28 (1) require each district judge, judge of a statutory  
1-29 county court, associate judge appointed under Chapter 54A of this  
1-30 code or Chapter 201, Family Code, master, referee, and magistrate  
1-31 to complete ~~[at least 12 hours of the training]~~ within the judge's  
1-32 first term of office or the judicial officer's first four years of  
1-33 service and provide ~~[a method for]~~ certification of completion of  
1-34 at least 12 hours of [that] training that includes:

1-35 (A) ~~at [.] At]~~ least four hours ~~[of the training~~  
1-36 ~~must be]~~ dedicated to issues related to trafficking of persons and  
1-37 child abuse and neglect that cover ~~[and must cover]~~ at least two of  
1-38 the topics described in Subsections (d)(8)-(12); and

1-39 (B) ~~at [.] At]~~ least six hours ~~[of the training~~  
1-40 ~~must be]~~ dedicated to the training described by Subsections (d)(5),  
1-41 (6), and (7);

1-42 (2) ~~[.] The rules must]~~ require each judge and judicial  
1-43 officer to complete ~~[an additional five hours of training]~~ during  
1-44 each additional term in office or four years of service an  
1-45 additional five hours of training that includes:

1-46 (A) ~~at [.] At]~~ least two hours ~~[of the additional~~  
1-47 ~~training must be]~~ dedicated to issues related to trafficking of  
1-48 persons and child abuse and neglect; and

1-49 (B) at least one hour dedicated to the dynamics  
1-50 of and effects on victims of family violence;

1-51 (3) require each judge of a court having primary  
1-52 responsibility for or giving preference to family law or family  
1-53 violence matters to complete an additional two hours of training  
1-54 every two years dedicated to the dynamics of and effects on victims  
1-55 of family violence; and

1-56 (4) ~~[.] The rules must]~~ exempt from the training  
1-57 requirement of this subsection each judge or judicial officer who  
1-58 files an affidavit stating that the judge or judicial officer does  
1-59 not hear any cases involving family violence, sexual assault,  
1-60 trafficking of persons, or child abuse and neglect.

- 2-1 (d) The instruction must include information about:
- 2-2 (1) statutory and case law relating to videotaping a
- 2-3 child's testimony and relating to competency of children to
- 2-4 testify;
- 2-5 (2) methods for eliminating the trauma to the child
- 2-6 caused by the court process;
- 2-7 (3) case law, statutory law, and procedural rules
- 2-8 relating to family violence, sexual assault, trafficking of
- 2-9 persons, and child abuse and neglect;
- 2-10 (4) methods for providing protection for victims of
- 2-11 family violence, sexual assault, trafficking of persons, and child
- 2-12 abuse and neglect;
- 2-13 (5) available community and state resources for
- 2-14 counseling and other aid to victims and to offenders;
- 2-15 (6) gender bias in the judicial process;
- 2-16 (7) dynamics and effects of being a victim of family
- 2-17 violence, sexual assault, trafficking of persons, or child abuse
- 2-18 and neglect;
- 2-19 (8) dynamics of sexual abuse of children, including
- 2-20 child abuse accommodation syndrome and grooming;
- 2-21 (9) impact of substance abuse on an unborn child and on
- 2-22 a person's ability to care for a child;
- 2-23 (10) issues of attachment and bonding between children
- 2-24 and caregivers;
- 2-25 (11) issues of child development that pertain to
- 2-26 trafficking of persons and child abuse and neglect; ~~and~~
- 2-27 (12) medical findings regarding physical abuse,
- 2-28 sexual abuse, trafficking of persons, and child abuse and neglect;
- 2-29 and
- 2-30 (13) dynamics of family violence.

2-31 (d-2) The training described by Subsection (d)(13) must be  
 2-32 developed in consultation with a statewide family violence advocacy  
 2-33 organization.

2-34 SECTION 2. (a) Not later than December 1, 2023, the Texas  
 2-35 Court of Criminal Appeals shall adopt the rules necessary to  
 2-36 provide the training required under Section 22.110, Government  
 2-37 Code, as amended by this Act.

2-38 (b) Notwithstanding Section 22.110, Government Code, as  
 2-39 amended by this Act, a judge, master, referee, or magistrate who is  
 2-40 in office on the effective date of this Act must complete the  
 2-41 training required by Section 22.110, Government Code, as amended by  
 2-42 this Act, as applicable, not later than December 1, 2025.

2-43 SECTION 3. This Act takes effect September 1, 2023.

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