

BILL ANALYSIS

H.B. 1363
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that Texas does not currently require implicit bias training for judges and attorneys despite recommendations from the American Bar Association that all states implement such a requirement. The bill author has also informed the committee as to the importance of implicit bias training in combating unconscious attitudes and stereotypes that can manifest in the justice system, including biases in terms of race, gender, and sexuality. H.B. 1363 seeks to address this issue by providing for implicit bias training for licensed attorneys, certain court personnel, judicial officers, judges, and justices in Texas.

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 6 and to the Texas Supreme Court in SECTION 8 of this bill.

ANALYSIS

H.B. 1363 amends the Government Code to require the following judicial officers and court personnel to complete an implicit bias course regarding racial, ethnic, gender, religious, age, mental disability, and physical disability and sexual harassment issues:

- Texas Supreme Court justices;
- judges of appellate courts, district courts, county courts at law, and county courts performing judicial functions;
- full-time associate judges and masters appointed under applicable Family Code provisions;
- appointed masters, magistrates, referees, and associate judges;
- judges of justice courts and municipal courts; and
- as determined by the supreme court, any judicial officer and court personnel who interact with the public on matters before a court.

An implicit bias course must include the following:

- information on the social science of implicit bias, explicit bias, unconscious bias, and systemic implicit bias, including the manner in which bias affects institutional policies and practices;
- a discussion of the historical reasons for, and the present consequences of, the implicit biases people hold;
- examples of the manner in which implicit bias affects the perceptions, judgments, and actions of judges, judicial officers, and other court personnel and the unacceptable disparities in access to justice that result from those perceptions, judgments, and actions;
- administration of implicit association tests to increase awareness of unconscious biases;

- strategies to reduce the impact of implicit bias on parties before the court, court staff, and the public; and
- a discussion of the manner in which judges and judicial officers are able to counteract the effect of juror implicit bias on the outcome of cases.

The bill requires the Texas Court of Criminal Appeals (CCA) to approve a course that provides the required instruction and requires the course instructor, in order to be approved by the CCA, to have academic training regarding implicit bias or have experience providing training to legal professionals about implicit bias and the effects of that bias on people accessing and interacting with the legal system. The bill requires the applicable judicial officers and court personnel to complete two hours of implicit bias instruction through the approved course every two years, beginning the year the justice or judge is elected or appointed to office or the year the person began employment as a judicial officer or court personnel in a position the CCA determines requires training. The bill requires the CCA to adopt rules necessary to provide the training required for applicable judicial officers and court personnel not later than January 1, 2026, and requires a person serving as a justice or judge of a state court or employed as a judicial officer or court personnel on the bill's effective date and who is required under the bill's provisions to take a training course in implicit bias to initially complete the course not later than January 1, 2028.

H.B. 1363 requires each attorney licensed to practice law in Texas to attend continuing education on implicit bias and bias-reducing strategies to address the manner in which unintended biases regarding racial, ethnic, gender, religious, age, mental disability, and physical disability and sexual harassment issues undermine confidence in the legal system. The bill requires such an attorney to complete one hour of the required continuing education program for each continuing education requirement compliance period. A course qualifies for continuing education under the bill's provisions if it does the following:

- discusses actions an attorney may take to recognize and address the attorney's implicit biases;
- instructs attorneys in critically examining common stereotypes and cultural assumptions often held by communities;
- facilitates the observation and exploration of cultural differences to increase a participant's awareness of the effect cultural differences have on attitudes and behaviors and their appreciation for the commonalities that exist across diverse cultures;
- examines the direct effect diversity skills have on judicial proceedings; and
- teaches usable skills for serving a diverse community.

The bill requires the State Bar of Texas to approve such a continuing education course and requires the course instructor, in order to be approved by the state bar, to have either academic training regarding implicit bias or have experience educating legal professionals about implicit bias and the effects of that bias on people accessing and interacting with the legal system. The bill requires an approved course to include a component regarding the impact of implicit bias, explicit bias, and systemic implicit bias on the legal system and the effect biases can have on people accessing and interacting with the legal system. The bill requires the supreme court, not later than January 1, 2026, to adopt any rules necessary for the State Bar of Texas to approve the continuing education courses required under the bill's provisions.

EFFECTIVE DATE

September 1, 2025.