

BILL ANALYSIS

C.S.H.B. 4502
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that the Texas Judicial Council recommends that the judicial security division of the Office of Court Administration develop a court emergency management plan as a resource for court security committees to guide disaster and security incident response. C.S.H.B. 4502 seeks to enhance court security by requiring the judicial security division to develop a model court emergency management plan for use by court security committees and by increasing criminal penalties for harassment of court employees and judges.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4502 amends the Government Code to specify that the requirement for a court security committee for a municipal court to establish certain policies and procedures includes developing a court emergency management plan. The bill specifies that the adoption of certain security policies and procedures by a court security committee established by a presiding judge of a municipal court or a local administrative district judge includes developing a court emergency management plan. The bill further specifies that the security policies and procedures by a court security committee established by a local administrative district judge apply to trial courts served by the local administrative district judge and includes a representative of the constable's office among the members of the committee.

C.S.H.B. 4502 requires the court security committees, as soon as practicable after the bill's effective date, to develop the court emergency management plan as required under the bill's provisions. The bill requires the Office of Court Administration of the Texas Judicial System's judicial security division to develop a model court emergency management plan as a resource for court security committees.

C.S.H.B. 4502, with respect to each such court security committee, does the following:

- replaces the court security committee's discretion to recommend the uses of resources and expenditures of money for courthouse security to the municipality, the municipality's governing body, or the county commissioners court, as applicable, with a requirement for the court security committee to do so; and

- establishes that the court security committee is not a governmental body for purposes of state open meetings law.

C.S.H.B. 4502 amends the Code of Criminal Procedure to require the following:

- a county commissioners court, in administering and directing funds from the courthouse security fund and the justice court building security fund, to prioritize the recommendations provided by a court security committee established by a local administrative district judge; and
- a governing body of a municipality, in administering and directing funds from the municipal court building security fund, to prioritize the recommendations provided by a court security committee for a municipal court or established by a presiding judge of a municipal court.

C.S.H.B. 4502 amends the Penal Code to enhance the penalty for harassment from a Class B misdemeanor to the following:

- a Class A misdemeanor if the offense was committed against a person the actor knows is a court employee;
- a state jail felony if the offense was committed against a person the actor knows is a court employee and the actor has previously been convicted of harassment;
- a state jail felony if the offense was committed against a person the actor knows is a judge; and
- a third degree felony if the offense was committed against a person the actor knows is a judge and the actor has previously been convicted of harassment.

The bill defines "court employee" for purposes of the offense as an employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, excluding a judge. These provisions apply only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4502 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced established that a court security committee established by a local administrative district judge is not a governmental body as defined by reference to state open meetings law, the substitute establishes that a court security committee for a municipal court or established by a presiding judge of a municipal court or a local administrative district judge is not a governmental body for purposes of that law.

The introduced amended the Government Code to require the following, whereas the substitute does not:

- a municipality, when considering the use of funds collected in the courthouse security fund, the municipal court building security fund, or the justice court building security fund under applicable Code of Criminal Procedure provisions, to give preference to the applicable court security committee's recommendations; and
- a county commissioners court, when considering the use of those funds under applicable Code of Criminal Procedure provisions, to give preference to the applicable court security committee's recommendations.

However, the substitute amends the Code of Criminal Procedure to require the following, whereas the introduced did not:

- a county commissioners court, in administering and directing funds from the courthouse security fund and the justice court building security fund, to prioritize the recommendations provided by the applicable court security committee; and
- a governing body of a municipality, in administering and directing funds from the municipal court building security fund, to prioritize the recommendations provided by the applicable court security committee.

Whereas the introduced changed the courts to which the security policies and procedures by a court security committee established by a local administrative district judge apply from the courts served by the local administrative district judge to the state and county trial courts in the county, the substitute does not make such a change. However, the substitute includes a specification absent from the introduced that the courts to which the policies and procedures apply are trial courts served by the local administrative district judge.

While the substitute and introduced both enhance the penalty for harassment for certain conduct, the versions differ as follows:

- whereas the introduced enhanced the penalty if the offense was committed against court personnel and the actor has previously been convicted of harassment, the substitute enhances the penalty if the offense was committed against a person the actor knows is a court employee and the actor has previously been convicted of harassment; and
- whereas the introduced enhanced the penalty if the offense was committed against a judge, the substitute enhances the penalty if the offense was committed against a person the actor knows is a judge and the actor has previously been convicted of harassment.

The introduced defined "court personnel" for purposes of general Penal Code provisions as an employee whose duties are performed on behalf of the administration of a court, including but not limited to a court clerk, court coordinator, court administrator, law clerk, and staff attorney, whereas the substitute does not include such a definition. However, the substitute defines "court employee" for purposes of the offense of harassment, whereas the introduced did not include this definition for those purposes.

While the introduced required a court security committee, as soon as practicable after the bill's effective date, to develop an all-hazards court security plan as required under certain provisions, the substitute requires a court security committee, as soon as practicable after the bill's effective date, to develop a court emergency management plan required under the bill's provisions.

The introduced included a provision relating to the bill prevailing over nonsubstantive additions to and corrections in enacted codes to the extent of any conflict, whereas the substitute omits this provision.