

By: Smithee

H.B. No. 4502

Substitute the following for H.B. No. 4502:

By: Leach

C.S.H.B. No. 4502

A BILL TO BE ENTITLED

AN ACT

relating to court security, including the development of a court emergency management plan, the duties and composition of a court security committee, and increasing the criminal penalty for harassment of a court employee or judge.

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

SECTION 1. Article 102.017, Code of Criminal Procedure, is amended by adding Subsection (e-1) to read as follows:

(e-1) In administering or directing funds under Subsection (e), a commissioners court shall prioritize the recommendations provided by a court security committee under Section 74.092(b), Government Code, and the governing body of a municipality shall prioritize the recommendations provided by a court security committee under Sections 29.014(d) and 30.00007(c), Government Code.

SECTION 2. Section 29.014, Government Code, is amended by amending Subsections (c) and (d) and adding Subsection (e) to read as follows:

(c) The committee shall establish the policies and procedures necessary to provide adequate security to the municipal courts served by the presiding or municipal judge, as applicable, including by developing a court emergency management plan.

(d) A committee shall ~~may~~ recommend to the municipality the uses of resources and expenditures of money for courthouse

1 security, but may not direct the assignment of those resources or
2 the expenditure of those funds.

3 (e) Notwithstanding Section 551.001, a court security
4 committee established under this section is not a governmental body
5 for the purposes of Chapter 551.

6 SECTION 3. Section 30.00007, Government Code, is amended by
7 amending Subsections (b) and (c) and adding Subsection (d) to read
8 as follows:

9 (b) The presiding judge shall:

10 (1) maintain a central docket for cases filed within
11 the territorial limits of the municipality over which the municipal
12 courts of record have jurisdiction;

13 (2) provide for the distribution of cases from the
14 central docket to the individual municipal judges to equalize the
15 distribution of business in the courts;

16 (3) request the jurors needed for cases that are set
17 for trial by jury;

18 (4) temporarily assign judges or substitute judges to
19 exchange benches and to act for each other in a proceeding pending
20 in a court if necessary for the expeditious disposition of business
21 in the courts;

22 (5) supervise and control the operation and clerical
23 functions of the administrative department of each court, including
24 the court's personnel, during the proceedings of the court; and

25 (6) establish a court security committee to adopt
26 security policies and procedures for the courts served by the
27 presiding judge, including by developing a court emergency

1 management plan, that is composed of:

2 (A) the presiding judge, or the presiding judge's
3 designee, who serves as presiding officer of the committee;

4 (B) a representative of the law enforcement
5 agency or other entity that provides the primary security for the
6 court;

7 (C) a representative of the municipality; and

8 (D) any other person the committee determines
9 necessary to assist the committee.

10 (c) A court security committee shall ~~[may]~~ recommend to the
11 governing body the uses of resources and expenditures of money for
12 courthouse security, but may not direct the assignment of those
13 resources or the expenditure of those funds.

14 (d) Notwithstanding Section 551.001, a court security
15 committee established under this section is not a governmental body
16 for the purposes of Chapter 551.

17 SECTION 4. Section 72.015(c), Government Code, is amended
18 to read as follows:

19 (c) The judicial security division shall:

20 (1) serve as a central resource for information on
21 local and national best practices for court security and the safety
22 of court personnel;

23 (2) provide an expert opinion on the technical aspects
24 of court security; ~~[and]~~

25 (3) keep abreast of and provide training on recent
26 court security improvements; and

27 (4) develop a model court emergency management plan as

1 a resource for court security committees.

2 SECTION 5. Section 74.092, Government Code, is amended to
3 read as follows:

4 Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A
5 local administrative judge, for the courts for which the judge
6 serves as local administrative judge, shall:

7 (1) implement and execute the local rules of
8 administration, including the assignment, docketing, transfer, and
9 hearing of cases;

10 (2) appoint any special or standing committees
11 necessary or desirable for court management and administration;

12 (3) promulgate local rules of administration if the
13 other judges do not act by a majority vote;

14 (4) recommend to the regional presiding judge any
15 needs for assignment from outside the county to dispose of court
16 caseloads;

17 (5) supervise the expeditious movement of court
18 caseloads, subject to local, regional, and state rules of
19 administration;

20 (6) provide the supreme court and the office of court
21 administration requested statistical and management information;

22 (7) set the hours and places for holding court in the
23 county;

24 (8) supervise the employment and performance of
25 nonjudicial personnel;

26 (9) supervise the budget and fiscal matters of the
27 local courts, subject to local rules of administration;

1 (10) coordinate and cooperate with any other local
2 administrative judge in the district in the assignment of cases in
3 the courts' concurrent jurisdiction for the efficient operation of
4 the court system and the effective administration of justice;

5 (11) if requested by the courts the judge serves,
6 establish and maintain the lists required by Section 37.003 and
7 ensure appointments are made from the lists in accordance with
8 Section 37.004;

9 (12) perform other duties as may be directed by the
10 chief justice or a regional presiding judge; and

11 (13) establish a court security committee to adopt
12 security policies and procedures for the trial courts served by the
13 local administrative district judge, including by adopting a court
14 emergency management plan, that is composed of:

15 (A) the local administrative district judge, or
16 the judge's designee, who serves as presiding officer of the
17 committee;

18 (B) a representative of the sheriff's office;

19 (C) a representative of a constable's office;

20 (D) a representative of the county commissioners
21 court;

22 (E) [~~(D)~~] one judge of each type of court in the
23 county other than a municipal court or a municipal court of record;

24 (F) [~~(E)~~] a representative of any county
25 attorney's office, district attorney's office, or criminal district
26 attorney's office that serves in the applicable courts; and

27 (G) [~~(F)~~] any other person the committee

determines necessary to assist the committee.

(b) A court security committee shall ~~[may]~~ recommend to the county commissioners court the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.

(c) Notwithstanding Section 551.001, a court security committee established under this section is not a governmental body for the purposes of Chapter 551.

SECTION 6. Section 42.07(b), Penal Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Court employee" means an employee whose duties relate to court administration, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney. The term does not include a judge.

(1-a) "Electronic communication" means a transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. The term includes:

(A) a communication initiated through the use of electronic mail, instant message, network call, a cellular or other type of telephone, a computer, a camera, text message, a social media platform or application, an Internet website, any other Internet-based communication tool, or facsimile machine; and

(B) a communication made to a pager.

SECTION 7. Section 42.07(c), Penal Code, is amended to read

as follows:

(c) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a Class A misdemeanor if:

(A) ~~[(1)]~~ the actor has previously been convicted under this section; ~~[or]~~

(B) ~~[(2)]~~ the offense was committed under Subsection (a)(7) or (8) and:

(i) ~~[(A)]~~ the offense was committed against a child under 18 years of age with the intent that the child:

(a) ~~[(i)]~~ commit suicide; or

(b) ~~[(ii)]~~ engage in conduct causing serious bodily injury to the child; or

(ii) ~~[(B)]~~ the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practice and Remedies Code; or

(C) the offense was committed against a person the actor knows is a court employee;

(2) a state jail felony if the offense was committed against a person the actor knows is:

(A) a court employee and the actor has previously been convicted under this section; or

(B) a judge; and

(3) a felony of the third degree if the offense was committed against a person the actor knows is a judge and the actor has previously been convicted under this section.

SECTION 8. Section 42.07, Penal Code, as amended by this

1 Act, applies only to an offense committed on or after the effective
2 date of this Act. An offense committed before the effective date of
3 this Act is governed by the law in effect on the date the offense was
4 committed, and the former law is continued in effect for that
5 purpose. For purposes of this section, an offense was committed
6 before the effective date of this Act if any element of the offense
7 occurred before that date.

8 SECTION 9. As soon as practicable after the effective date
9 of this Act, a court security committee shall develop a court
10 emergency management plan as required by Section 29.014, 30.00007,
11 or 74.092, Government Code, as amended by this Act.

12 SECTION 10. This Act takes effect September 1, 2025.