By: Hernandez H.B. No. 1208

A BILL TO BE ENTITLED

AN ACT

relating to implicit bias training for justices and judges of state courts, judicial officers, certain court personnel, and attorneys licensed to practice law in this state.

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

SECTION 1. The heading to Chapter 56, Government Code, is amended to read as follows:

CHAPTER 56. JUDICIAL AND COURT PERSONNEL TRAINING [~~FUND~~]

SECTION 2. Chapter 56, Government Code, is amended by designating Sections 56.001, 56.002, 56.003, 56.004, 56.005, 56.006, and 56.007 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. JUDICIAL AND COURT PERSONNEL TRAINING FUND

SECTION 3. Section 56.005(c), Government Code, is amended to read as follows:

(c) An entity receiving a grant of funds from the court of criminal appeals under this subchapter [~~chapter~~] for the education of municipal court judges and their personnel shall designate a committee to recommend educational requirements and course content, credit, and standards for the purposes of the grant awarded.

SECTION 4. Section 56.006, Government Code, is amended to read as follows:

Sec. 56.006. RULES; OVERSIGHT. (a) The court of criminal

appeals may adopt rules for programs relating to education and training for attorneys, judges, justices of the peace, district clerks, county clerks, law enforcement officers, law students, other participants, and court personnel, including court coordinators, as provided by Section 56.003 and Subchapter B and for the administration of those programs, including rules that:

(1) require entities receiving a grant of funds to provide legislatively required training; and

(2) base the awarding of grant funds to an entity on qualitative information about the entity's programs or services and the entity's ability to meet financial performance standards.

(b) The court of criminal appeals, for the proper administration of this chapter and as part of its oversight of training programs for attorneys, judges, justices of the peace, district clerks, county clerks, law enforcement officers, law students, other participants, and court personnel, including court coordinators, as provided by Section 56.003 and Subchapter B, shall monitor both the financial performance and the program performance of entities receiving a grant of funds under this subchapter [~~chapter~~].

SECTION 5. Section 56.007, Government Code, is amended to read as follows:

Sec. 56.007. ADMINISTRATIVE EXPENSES. An entity receiving a grant of funds from the court of criminal appeals under this subchapter [~~chapter~~] for continuing legal education, technical assistance, and other support programs may not use grant funds to pay any costs of the entity not related to approved grant

activities.

SECTION 6. Chapter 56, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. JUDICIAL TRAINING

Sec. 56.051. REQUIRED IMPLICIT BIAS TRAINING. (a) This section applies to:

(1) justices of the supreme court, judges of appellate courts, district courts, and county courts at law, county courts performing judicial functions, full-time associate judges and masters appointed pursuant to Chapter 201, Family Code, masters, magistrates, referees, and associate judges appointed pursuant to Chapter 54 or 54A, and judges of justice courts and municipal courts; and

(2) as determined by the supreme court, any judicial officer and court personnel who interact with the public on matters before a court.

(b) Each person subject to this section shall complete an implicit bias course regarding racial, ethnic, gender, religious, age, mental disability, and physical disability and sexual harassment issues.

(c) An implicit bias course must include:

(1) 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;

(2) a discussion of the historical reasons for, and the present consequences of, the implicit biases people hold;

(3) examples of:

(A) the manner in which implicit bias affects the perceptions, judgments, and actions of judges, judicial officers, and other court personnel; and

(B) the unacceptable disparities in access to justice that result from those perceptions, judgments, and actions;

(4) administration of implicit association tests to increase awareness of unconscious biases;

(5) strategies to reduce the impact of implicit bias on parties before the court, court staff, and the public; and

(6) 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.

(d) The court of criminal appeals shall approve a course that provides the instruction required by this section. To be approved by the court of criminal appeals, the instructor of the course must 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.

(e) Each person subject to this section must complete through a course the court of criminal appeals approves two hours of implicit bias instruction every two years beginning:

(1) the year the justice or judge is elected or appointed to office; or

(2) the year the person began employment as a judicial officer or court personnel in a position the court of criminal

appeals determines requires training.

(f) The court of criminal appeals shall adopt rules to administer this section.

SECTION 7. Subchapter H, Chapter 81, Government Code, is amended by adding Section 81.1135 to read as follows:

Sec. 81.1135. CONTINUING EDUCATION ON IMPLICIT BIAS. (a) Each attorney licensed to practice law in this state is subject to this section and required 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.

(b) An attorney shall complete one hour of the continuing education program required under this section for each continuing education requirement compliance period.

(c) A course qualifies for continuing education under this section if the course:

(1) discusses actions an attorney may take to recognize and address the attorney's implicit biases;

(2) instructs attorneys in critically examining common stereotypes and cultural assumptions often held by communities;

(3) facilitates the observation and exploration of cultural differences to increase a participant's:

(A) awareness of the effect cultural differences have on attitudes and behaviors; and

(B) appreciation for the commonalities that

exist across diverse cultures;

(4) examines the direct effect diversity skills have on judicial proceedings; and

(5) teaches usable skills for serving a diverse community.

(d) The state bar shall approve a continuing education course required by this section. To be approved by the state bar, the instructor of the course must 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.

(e) A course approved under this section must 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.

SECTION 8. (a) Not later than January 1, 2028:

(1) the Texas Court of Criminal Appeals shall adopt the rules necessary to provide the training required under Section 56.051, Government Code, as added by this Act; and

(2) the Texas Supreme Court shall adopt any rules necessary for the State Bar of Texas to approve continuing education courses as required by Section 81.1135, Government Code, as added by this Act.

(b) Notwithstanding Section 56.051(e), Government Code, as added by this Act, a person serving as a justice or judge of a state court or employed as a judicial officer or court personnel on the effective date of this Act who is required under Section 56.051(b),

Government Code, as added by this Act, to take a training course in implicit bias must initially complete the training course required under Section 56.051, Government Code, as added by this Act, not later than January 1, 2030.

SECTION 9. This Act takes effect September 1, 2027.