

CHAPTER 896

S.B. No. 947

AN ACT

relating to continuing legal education for certain attorneys, judges, court personnel, and justices of the peace.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (a), Section 56.001, Government Code, is amended to read as follows:

(a) The judicial and court personnel training fund is created in the state treasury and shall be administered by the ~~supreme~~ court of *criminal appeals*.

SECTION 2. Subsection (i), Section 56.001, Government Code, is amended to read as follows:

(i) On requisition of the ~~supreme~~ court of *criminal appeals*, the comptroller shall draw a warrant on the fund for the amount specified in the requisition for a use authorized in Section 56.003. A warrant may not exceed the amount appropriated for any one fiscal year. At the end of each state fiscal year, any unexpended balance in the fund in excess of \$500,000 shall be transferred to the general revenue fund.

SECTION 3. Section 56.003, Government Code, is amended to read as follows:

Sec. 56.003. USE OF FUNDS. (a) The ~~supreme~~ court of *criminal appeals* may not use more than three percent of the money appropriated in any one fiscal year to hire staff and provide for the proper administration of this chapter.

(b) No more than one-third of the funds appropriated for any fiscal year shall be used for the continuing legal education of judges of appellate courts, district courts, county courts at law, and county courts performing judicial functions as required by the ~~supreme~~ court of *criminal appeals* under Section 74.025 and of their court personnel.

(c) No more than one-third of the funds appropriated for any fiscal year shall be used for the continuing legal education of judges of justice courts as required by the ~~supreme~~ court of *criminal appeals* under Section 74.025 and of their court personnel.

(d) No more than one-third of the funds appropriated for any fiscal year shall be used for the continuing legal education of judges of municipal courts as required by the [supreme] court of *criminal appeals* under Section 74.025 and of their court personnel.

(e) The [supreme] court of *criminal appeals* shall grant legal funds to statewide professional associations of judges and other entities whose purposes include providing continuing legal education courses, programs, and projects for judges and court personnel. The grantees of those funds must ensure that sufficient funds are available for each judge to meet the minimum educational requirements set by the [supreme] court of *criminal appeals* under Section 74.025 before any funds are awarded to a judge for education that exceeds those requirements.

(f) *The court of criminal appeals shall grant legal funds to statewide professional associations of prosecuting attorneys, criminal defense attorneys who regularly represent indigent defendants in criminal matters, and justices of the peace whose purposes include providing continuing legal education, technical assistance, and other support programs.*

SECTION 4. Section 56.004, Government Code, is amended to read as follows:

Sec. 56.004. ALLOCATION OF FUNDS. (a) The legislature shall appropriate funds from the judicial and court personnel training fund to the [supreme] court of *criminal appeals* to provide for the continuing legal education of judges and court personnel in this state.

(b) *The legislature shall appropriate funds from the judicial and court personnel training fund to the court of criminal appeals to provide for continuing legal education, technical assistance, and other support programs for prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters, and justices of the peace and their court personnel.*

SECTION 5. Section 56.005, Government Code, is amended to read as follows:

Sec. 56.005. JUDICIAL EDUCATION COMMITTEES. (a) The [supreme] court of *criminal appeals* shall appoint the [supreme] court of *criminal appeals* education committee to recommend educational requirements and course content, credit, and standards for judges and court personnel of appellate courts, district courts, statutory county courts, and county courts performing judicial functions. The [supreme] court of *criminal appeals* shall appoint at least two appellate judges, four district court judges, two statutory county court judges, and one judge of a county court performing judicial functions. The [supreme] court of *criminal appeals* may appoint not more than six additional members. Members serve at the will of the [supreme] court of *criminal appeals*.

(b) An entity receiving a grant of funds from the [supreme] court of *criminal appeals* for the education of justices of the peace and their court personnel shall designate a committee to recommend educational requirements and course content, credit, and standards for the purposes of the grant awarded.

(c) An entity receiving a grant of funds from the [supreme] court of *criminal appeals* under this 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.

(d) The [supreme] court of *criminal appeals* education committee and any committee established as provided by Subsection (b) or (c) shall meet at least twice a year to:

(1) review and recommend course content, credit, and standards for initial and continuing judicial education for judges and court personnel; and

(2) make recommendations and take other action necessary to carry out the purposes of this chapter.

(e) The [supreme] court of *criminal appeals* education committee and any committee established as provided by Subsection (b) or (c) shall:

(1) recommend to the [supreme] court of *criminal appeals* the minimum educational requirements for judges and court personnel; and

(2) issue an annual report to the [supreme] court of *criminal appeals* that lists the courses, credits, and standards for the judges and court personnel.

SECTION 6. Chapter 56, Government Code, is amended by adding Sections 56.006 and 56.007 to read as follows:

Sec. 56.006. RULES. The court of criminal appeals may adopt rules for programs relating to education and training for attorneys, judges, court personnel, and justices of the peace as provided by Section 56.003.

Sec. 56.007. ADMINISTRATIVE EXPENSES. An entity receiving a grant of funds from the court of criminal appeals under this 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 7. Section 74.025, Government Code, is amended to read as follows:

Sec. 74.025. EDUCATION PROGRAMS. The [~~supreme~~] court of criminal appeals shall, if adequate funding is available for education programs for judges and court personnel, ensure that adequate education programs are available on an equitable basis for judges and court personnel of [all] courts created under the constitution and laws of this state.

SECTION 8. All funds appropriated to the Supreme Court of Texas in Senate Bill No. 5, Acts of the 73rd Legislature, Regular Session, 1993, on page IV-15 in line item 2., Judicial and Court Personnel Training, and on page IV-17 in rider provision 5., Appropriation, Judicial Education, are transferred to the court of criminal appeals for the same period and for the same purposes as indicated in that Act.

SECTION 9. All rider provisions in Article IV, Senate Bill No. 5, Acts of the 73rd Legislature, Regular Session, 1993, limiting, controlling, or otherwise affecting the appropriations transferred under Section 8 of this Act continue to apply to those appropriations, and a reference to the Supreme Court of Texas in those provisions is considered a reference to the court of criminal appeals.

SECTION 10. Section 5., Contingency Appropriation, Judicial Education, on page IV-28 in Special Provisions—Judiciary of Senate Bill No. 5, Acts of the 73rd Legislature, Regular Session, 1993, has no effect.

SECTION 11. This Act takes effect September 1, 1993.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 19, 1993, by a viva-voce vote; May 25, 1993, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 1993, House granted request of the Senate; May 28, 1993, Senate adopted Conference Committee Report by a viva-voce vote; passed the House, with amendments, on May 22, 1993, by a non-record vote; May 27, 1993, House granted request of the Senate for appointment of Conference Committee; May 29, 1993, House adopted Conference Committee Report by a non-record vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.