

Legislative Proposals for Consideration by Texas Judicial Council for the 81st Legislature (11/07/08)

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
1.	09/19	Appellate court filing fees – Revise statute to reflect current appellate terminology	Appellate Courts/Judicial Compensation	Council of Chief Justices	none	Hartnett HB 367	Ted Wood	
2.	09/19	Explicitly direct that longevity payments do not count toward judicial salary caps	Appellate Courts/Judicial Compensation	Comptroller’s Judiciary Section (Leonard Higgins)			Mena Ramon	Sen. Wentworth will sponsor.
3.		Allow referring court to consider any form of record of hearing before associate judge	Associate Judges/Specialty Courts				Mena Ramon	Approved by Legislative Committee.
4.	09/19	Authorize presiding judge to appoint former district judges and statutory county court judges as visiting associate judges	Associate Judges/Specialty Courts				Mena Ramon	Sen. Wentworth will sponsor. Bill language drafted.
5.		Clarify that signature of referring court is not required on proposed orders or judgments under Family Code § 201.2041(a)	Associate Judges/Specialty Courts				Mena Ramon	Approved by Legislative Committee.
6.		Continue requirement that judges sign agreed child support review orders, but allow exception if agreed order is not in the best interest of the child	Associate Judges/Specialty Courts				Mena Ramon	Approved by Legislative Committee.
7.		Expand jurisdiction of child protection court associate judges to include matters within Title 5, Subtitle E of the Family Code	Associate Judges/Specialty Courts				Mena Ramon	Approved by Legislative Committee.
8.		Include associate judges on list of other judges eligible to carry concealed handguns pursuant to special requirements for judicial officers	Associate Judges/Specialty Courts				Mena Ramon	Approved by Legislative Committee.
9.		Permit child support court associate judges to hear certain post-trial motions	Associate Judges/Specialty Courts				Mena Ramon	Approved by Legislative Committee.

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
10.		Prohibit de novo hearings from orders or judgments of child protection court associate judge that conform with jury verdict	Associate Judges/Specialty Courts				Mena Ramon	Approved by Legislative Committee.
11.	09/19	Repeal pre-appointment regional residency requirement for child protection associate judges and clarify that persons on list of eligible to serve on assignment are qualified to be appointed as associate judges	Associate Judges/Specialty Courts				Mena Ramon	Sen. Wentworth will sponsor Bill language drafted.
12.		Make refusal to register motor vehicle mandatory if defendant fails to appear or fails to pay court costs and fines	Court Cost Collections				Ted Wood	Approved by Legislative Committee. Bill language drafted.
13.	09/19	Continuing education requirements for court reporting firms	Court Reporter Certification Board				Katie Bond	
14.	09/19	Evidence in hearings of CRCB and time for appealing bond orders	Court Reporter Certification Board				Katie Bond	
15.	09/19	Receipt of criminal history record information by CRCB	Court Reporter Certification Board				Katie Bond	
16.	09/19	Staggering terms of CRCB members	Court Reporter Certification Board				Katie Bond	
17.	09/19	Technical corrections and changes to Government Code, Chapter 52	Court Reporter Certification Board				Katie Bond	
18.	09/19	Amend Code of Criminal Procedure (CCP) to better enable local jurisdictions to establish independent assigned counsel programs	Criminal Law & Indigent Defense	TFID Andrea Marsh			Wesley Shackelford	TFID will not prepare draft bill language. Bill language will come out of Sen. Duncan's office with input from Lubbock County.

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
19.	09/19	Change name of Task Force on Indigent Defense to Texas Indigent Defense Council	Criminal Law & Indigent Defense	TFID			Wesley Shackelford	Sen. Wentworth will sponsor. Drafting of bill language in progress.
20.		Clarify procedures for writs of habeas corpus in death penalty cases	Criminal Law & Indigent Defense	Presiding Judge Sharon Keller			Wesley Shackelford	Approved by Legislative Committee. Drafting of bill language in progress.
21.	09/19	Death penalty representation – Establish new defense attorney qualifications for appellate representation of defendants receiving a death sentence at trial	Criminal Law & Indigent Defense	Regional Presiding Judges TFID	Seliger SB 528	Peña HB 1266	Wesley Shackelford	Bill language drafted.
22.	09/19	Increase state funding available for discretionary grants and/or model program development	Criminal Law & Indigent Defense	Sen. Rodney Ellis TFID			Wesley Shackelford	No bill language required.
23.	09/19	Indigent inmates – Creating appropriations line item, rather than by making payments via miscellaneous claims or Fair Defense Account to fully implement HB 1267 – Amend Art. 26.05 to delete references to the indigent defense representation fund that was not created by HB 1267	Criminal Law & Indigent Defense	TFID Susan Hays Comptroller	Hinojosa	Turner HB 1267 (passed)	Wesley Shackelford	Bill language drafted.
24.	09/19	Legislation to authorize and provide longevity pay for public defenders in the state	Criminal Law & Indigent Defense	Angela Moore				Bill language drafted.
25.	09/19	Public defenders – Streamline and clarify process of creating public defender offices	Criminal Law & Indigent Defense	TFID	Wentworth SB 159	Escobar	Wesley Shackelford	Sen. Wentworth will sponsor Bill language drafted.

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
26.	09/19	Study of pretrial release from custody laws in criminal cases	Criminal Law & Indigent Defense	TFID Bexar Judges Harle and Angelina			Wesley Shackelford	No bill language required.
27.	09/19	Amend Probate Code § 681 to make lack of GCB certification a basis for disqualification as a guardian	Guardian Certification				Katie Bond Lesley Ondrechen	Sent to Sen. Uresti.
28.	09/19	Authorize GCB to receive criminal history reports even when incidents are subject to nondisclosure	Guardian Certification				Katie Bond Lesley Ondrechen	Sent to Sen. Uresti
29.	09/19	Eliminate redundant criminal history background check requirements for guardianship programs, private professional guardians and DADS	Guardian Certification	Guardianship Programs			Katie Bond Lesley Ondrechen	Sent to Sen. Uresti
30.	09/19	Streamline reporting requirements for DADS and others to eliminate duplicate reporting	Guardian Certification				Katie Bond Lesley Ondrechen	Sent to Sen. Uresti
31.		Address concerns regarding personal identifiers in initial civil pleadings	Judicial Administration	Blake Hawthorne Alice McAfee Kennon Peterson	Carona SB 699		Carl Reynolds	May possibly be advanced later.
32.		Chief Justice to appoint regional presiding judges	Judicial Administration		Hinojosa SB 1556 Duncan SB 1204		Carl Reynolds	Approved by Legislative Committee. Bill language drafted.
33.	09/19	Crime victim information in criminal judgments	Judicial Administration	Court Clerks Victim Groups OAG			Ted Wood	

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
34.		Implement Supreme Court Jury Task Force recommendations	Judicial Administration	Judge David Peeples		Gattis HB 3413	Ted Wood	Approved by Legislative Committee. Bill language drafted.
35.		Judicial Interest on Campaign and Officeholder Account program	Judicial Administration	Judge Orlanda Naranjo			Wesley Shackelford	Approved by Legislative Committee.
36.		Jury note-taking	Judicial Administration	State Bar Court Administration Task Force	Wentworth SB 1300		Ted Wood	Approved by Legislative Committee.
37.		Provide state funding to the PJCCYF for court improvement grants to counties	Permanent Judicial Commission for Children, Youth & Families	State Bar Court Administration Task Force			Carl Reynolds	Approved by Legislative Committee.
38.		Report of the State Bar Court Administration Task Force	Judicial Administration	State Bar Court Administration Task Force			Carl Reynolds	Legislative Committee voted to advance to TJC, but did not take a position.
39.	09/19	Salary for district judges presiding over multi-district litigation (MDL)	Judicial Administration	Comptroller			Mena Ramon	
40.	09/19	Streamline constitutional county judge salary supplement process	Judicial Administration	Comptroller			Mena Ramon	
41.		Support recommendations of the Judicial Compensation Commission	Judicial Compensation Commission					Approved by Legislative Committee.
42.		Amend CCP and direct Supreme Court or CCA to revise rules of civil procedure, evidence, and judicial conduct to facilitate courts' use of automated registry	Judicial Conduct Commission Workgroup				Katie Bond Margaret Bennett	May possibly be advanced later.
43.		Authorize reimbursement of additional types of expenses in matters involving SCJC	Judicial Conduct Commission Workgroup				Margaret Bennett	Approved by Legislative Committee. Bill language drafted.

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
44.	09/19	Correct citations in Gov't Code, Chapter 34 from Canon 7 to Canon 5	Judicial Conduct Commission Workgroup				Margaret Bennett	Bill language drafted.
45.	09/19	Delete Gov't Code, Chapter 33's procedural requirements for judicial retirement and removal and direct Supreme Court to promulgate new procedural rules	Judicial Conduct Commission Workgroup				Margaret Bennett	Bill language drafted.
46.	09/19	Move Gov't Code, Section 33.051 to Penal Code because the statute provides for criminal penalty for judges accepting referral fees or gifts and SCJC has no criminal jurisdiction	Judicial Conduct Commission Workgroup				Margaret Bennett	Bill language drafted.
47.		Provide a right to appeal from a public censure issued by the SCJC	Judicial Conduct Commission Workgroup				Margaret Bennett	Approved by Legislative Committee. Bill language drafted.
48.	09/19	Adjust insurance needed to obtain release of impounded vehicle	Justice & Municipal Courts				Ted Wood	
49.		Allow capias pro fine hearings by video teleconference	Justice & Municipal Courts				Ted Wood	Approved by Legislative Committee.
50.		Allow courts of appeals to hear appeals that originated in small claims court	Justice & Municipal Courts			Gonzalez-Tourelles HB 196	Ted Wood	Approved by Legislative Committee.
51.		Allow defendants to enter plea in Class C misdemeanor case via video teleconference		Judge Glenn Phillips			Ted Wood	Legislative Committee voted to advance to TJC, but did not take a position. Input requested from Justice & Municipal Court Workgroup.
52.	09/19	Allow posting of bond to secure payment of special expense	Justice & Municipal Courts				Ted Wood	

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
53.		Clarification of whether option to perform Community Service must be offered to defendant before he or she may be committed to jail for non-payment of fines and court costs	Justice & Municipal Courts	Ryan Turner Andrea Marsh			Ted Wood	May possibly be advanced later.
54.	09/19	Correction of court identification language in magistration statute	Justice & Municipal Courts				Ted Wood	
55.	09/19	Eliminate requirement that defendants and prosecutors be charged for copies	Justice & Municipal Courts				Ted Wood	
56.	09/19	Expand the State's restitution lien to include misdemeanors	Justice & Municipal Courts				Ted Wood	
57.	09/19	Prohibit evaluation of municipal judges on basis of money collected	Justice & Municipal Courts				Ted Wood	
58.	09/19	Require complaint to be filed if defendant fails to appear	Justice & Municipal Courts				Ted Wood	
59.	09/19	Set statute of limitations in Class C misdemeanor cases	Justice & Municipal Courts		Harris SB 463	Peña	Ted Wood	
60.		Clarification of application of school zone court cost					Ted Wood	Approved by Legislative Committee.
61.		Technical correction to Code of Criminal Procedure, Article 102.016(b)					Ted Wood	Approved by Legislative Committee.
62.		Address provision prohibiting adopted adult from inheriting from biological parent	Probate, Guardianship & Mental Health	KaLyn Laney	Harris	Goodman HB 204 (79 th)	Ted Wood	Legislative Committee voted to advance to TJC with specific direction to propose amending (but not repealing) statute.
63.		Clarify notice provisions upon filing of final accounting of estate	Probate, Guardianship & Mental Health				Ted Wood	Approved by Legislative Committee. Bill language drafted.

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
64.		Empower county clerk to deny issuance of letters to executors and administrators who are not in compliance with Sections 128A and 250, Probate Code	Probate, Guardianship & Mental Health				Ted Wood	Approved by Legislative Committee. Bill language drafted.
65.		Require courts to report mental commitment and guardianship information to DPS for use in federal data base to prevent certain people from purchasing guns	Probate, Guardianship & Mental Health		Ellis SB 1755		Ted Wood	Approved by Legislative Committee. Bill language drafted.
66.		Clarify and consolidate the sprawling variety of state and local fees into a comprehensible package	Repaying Debts Workgroup				Carl Reynolds	Approved by Legislative Committee.
67.		Clarify the mechanism for providing due process to offenders sentenced to prison so that their court costs, fees and fines may be collected from their inmate trust account in appropriate cases	Repaying Debts Workgroup				Carl Reynolds	Approved by Legislative Committee. Bill language drafted.
68.		Clarify the priority of payment for offenders on parole supervision	Repaying Debts Workgroup				Carl Reynolds	Approved by Legislative Committee. Bill language drafted.
69.		Encourage sentencing judges to obtain information about an offender's child support obligations and take that information into account for purposes of assessing a fine	Repaying Debts Workgroup				Carl Reynolds	Approved by Legislative Committee.
70.		Fund further policy development, including the development of an automated "financial information" form that follows the offender through the criminal justice system	Repaying Debts Workgroup				Carl Reynolds	Approved by Legislative Committee.

#	2008 TJC App.	Description	Workgroup	Other Parties	Senate Sponsor (80 th)	House Sponsor (80 th)	OCA Staff	Status
71.		Require that the Department of Criminal Justice instruct state jail felons, upon their release, to report to the clerk of the convicting court, to develop a plan for payment of any outstanding court costs, fees and fines	Repaying Debts Workgroup				Carl Reynolds	Approved by Legislative Committee.