

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				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting.
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.		Eliminate requirement that judge of referring court sign proposed order or judgment of child support court associate judge when review by referring court is not requested	Associate Judges/Specialty Courts				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting.
6.		Expand jurisdiction of child protection court associate judges to include all matters within Title 5, Subtitle E of the Family Code	Associate Judges/Specialty Courts				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting.
7.		Include associate judges in list of those eligible to carry concealed handguns pursuant to special requirements for judicial officers	Associate Judges/Specialty Courts				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting
8.		Permit child support court associate judges to hear post-trial motions	Associate Judges/Specialty Courts				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting.
9.		Permit judges to not sign agreed child support review orders if court finds that agreed order is not in the best interest of the child	Associate Judges/Specialty Courts				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting.

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10.		Prohibit de novo hearings from orders or judgments of child protection court associate judge that conform with jury verdict	Associate Judges/Specialty Courts				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting.
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	Resolution ready for 10/31 Legislative Committee meeting. 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 and consolidate the sprawling variety of state and local fees into a comprehensible package	Criminal Law & Indigent Defense	Sen. John Whitmire			Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.
21.		Clarify procedures for writs of habeas corpus in death penalty cases	Criminal Law & Indigent Defense	Judge Sharon Keller			Wesley Shackelford	Resolution ready for 10/31 Legislative Committee meeting. Drafting of bill language in progress.
22.		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	Criminal Law & Indigent Defense				Ted Wood	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
23.		Clarify the priority of payment for offenders under community supervision and parole supervision	Criminal Law & Indigent Defense				Carl Reynolds Ted Wood	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
24.	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.
25.		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	Criminal Law & Indigent Defense				Carl Reynolds	Resolution ready for 10/31 Legislative Committee meeting.

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26.		Fund further policy development, including the development of an automated “financial information” form that follows the offender through the criminal justice system	Criminal Law & Indigent Defense				Carl Reynolds Mary Cowherd	Resolution ready for 10/31 Legislative Committee meeting.
27.	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.
28.	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.
29.	09/19	Legislation to authorize and provide longevity pay for public defenders in the state	Criminal Law & Indigent Defense	Angela Moore				Bill language drafted.
30.	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.
31.		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	Criminal Law & Indigent Defense				Carl Reynolds Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.
32.	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.

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33.	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	
34.	09/19	Authorize GCB to receive criminal history reports even when incidents are subject to nondisclosure	Guardian Certification				Katie Bond Lesley Ondrechen	
35.	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	
36.	09/19	Streamline reporting requirements for DADS and others to eliminate duplicate reporting	Guardian Certification				Katie Bond Lesley Ondrechen	
37.		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. This proposal will <u>not</u> go before the TJC Legislative Committee on 10/31.
38.		Chief Justice to appoint regional presiding judges	Judicial Administration		Hinojosa SB 1556 Duncan SB 1204		Carl Reynolds	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
39.	09/19	Crime victim information in criminal judgments	Judicial Administration	Court Clerks Victim Groups OAG			Ted Wood	
40.		Implement Supreme Court Jury Task Force recommendations	Judicial Administration	Judge David Peeples		Gattis HB 3413	Ted Wood	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.

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41.		Judicial Interest on Campaign and Officeholder Account program	Judicial Administration	Judge Orlinda Naranjo			Wesley Shackelford	Resolution ready for 10/31 Legislative Committee meeting.
42.		Jury note-taking	Judicial Administration	State Bar Court Administration Task Force	Wentworth SB 1300		Ted Wood	Sen. Wentworth will sponsor. Resolution ready for 10/31 Legislative Committee meeting. Senate Jurisprudence Committee will work on bill language.
43.		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	Resolution ready for 10/31 Legislative Committee meeting.
44.		Report of the State Bar Court Administration Task Force	Judicial Administration	State Bar Court Administration Task Force			Carl Reynolds	Resolution ready for 10/31 Legislative Committee meeting.
45.	09/19	Salary for district judges presiding over multi-district litigation (MDL)	Judicial Administration	Comptroller			Mena Ramon	
46.	09/19	Streamline constitutional county judge salary supplement process	Judicial Administration	Comptroller			Mena Ramon	
47.		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. This proposal will <u>not</u> go before the TJC Legislative Committee on 10/31.
48.		Authorize reimbursement of additional types of expenses in matters involving SCJC	Judicial Conduct Commission Workgroup				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
49.	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.

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50.	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.
51.	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.
52.		Provide a right to appeal from a public censure issued by the SCJC	Judicial Conduct Commission Workgroup				Margaret Bennett	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
53.	09/19	Adjust insurance needed to obtain release of impounded vehicle	Justice & Municipal Courts				Ted Wood	
54.		Allow capias pro fine hearings by video teleconference	Justice & Municipal Courts				Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.
55.		Allow courts of appeals to hear appeals that originated in small claims court	Justice & Municipal Courts			Gonzalez-Tourelles HB 196	Ted Wood	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
56.		Allow defendants to enter plea in Class C misdemeanor case via video teleconference		Judge Glenn Phillips			Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.
57.	09/19	Allow posting of bond to secure payment of special expense	Justice & Municipal Courts				Ted Wood	
58.		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. This proposal is not scheduled to go before the TJC Legislative Committee on 10/31.
59.	09/19	Correction of court identification language in magistration statute	Justice & Municipal Courts				Ted Wood	

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60.	09/19	Eliminate requirement that defendants and prosecutors be charged for copies	Justice & Municipal Courts				Ted Wood	
61.	09/19	Expand the State's restitution lien to include misdemeanors	Justice & Municipal Courts				Ted Wood	
62.	09/19	Prohibit evaluation of municipal judges on basis of money collected	Justice & Municipal Courts				Ted Wood	
63.	09/19	Require complaint to be filed if defendant fails to appear	Justice & Municipal Courts				Ted Wood	
64.		Require four-year terms for all municipal judges	Justice & Municipal Courts				Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.
65.	09/19	Set statute of limitations in Class C misdemeanor cases	Justice & Municipal Courts		Harris SB 463	Peña	Ted Wood	
66.		Address provision prohibiting adopted adult from inheriting from biological parent	Probate, Guardianship & Mental Health		Harris	Goodman HB 204 (79 th)	Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.
67.		Clarify notice provisions upon filing of final accounting of estate	Probate, Guardianship & Mental Health				Ted Wood	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
68.		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	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
69.		Repeal bad parent disinheritance provision	Probate, Guardianship & Mental Health		Harris Watson SB 1048 (genesis of current law but in different form)	Puente HB 568 (enacted current law)	Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.

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70.		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	Resolution ready for 10/31 Legislative Committee meeting. Bill language drafted.
71.		Set time period within which child born through alternative reproduction techniques (ART) must be born to claim share of intestate's estate	Probate, Guardianship & Mental Health				Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.
72.		Clarification of Application of School Zone Court Cost					Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.
73.		Technical correction to Code of Criminal Procedure, article 102.016(b)					Ted Wood	Resolution ready for 10/31 Legislative Committee meeting.