

BILL ANALYSIS

H.B. 3409
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Reports indicate that many incarcerated Texans have experienced some sort of trauma during their lives, such as child abuse, witnessing violence, or sexual abuse. It has been noted that people who have experienced trauma often cycle in and out of the mental health, substance abuse, and criminal justice systems. There have been calls to recognize and address trauma, which is the root cause of many crimes, through a new approach known as trauma-informed care. H.B. 3409 seeks to address this issue and ensure that judges, prosecuting attorneys, correctional officers, and law enforcement officers are trained to identify trauma and its symptoms, understand the impact of trauma, and identify how traumatic dynamics may, without intent, repeatedly play out in the criminal justice system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Court of Criminal Appeals in SECTION 1 of this bill.

ANALYSIS

H.B. 3409 amends the Government Code to require the Texas Court of Criminal Appeals, not later than December 1, 2019, to adopt rules necessary to assure that judicial training related to trauma is provided and sets out minimum requirements related to those rules. The bill authorizes the court to consult with the Texas Supreme Court in adopting the rules and with professional groups and associations in Texas that have expertise in the subject matter to obtain recommendations for instruction content. The bill requires the training to be dedicated to issues related to trauma and the impact of trauma to enable each judge to identify individuals who have experienced traumatic events, minimize re-traumatization, and refer those individuals to the appropriate medical or mental health care professional for treatment and requires the court to provide training on that same subject matter to prosecuting attorneys. The bill requires a judge who is in office on the bill's effective date to complete the required training not later than September 1, 2020, and requires the court to make the training available for prosecuting attorneys not later than January 1, 2020.

H.B. 3409 requires the Texas Department of Criminal Justice (TDCJ) to require each correctional officer employed by TDCJ to complete, during the officer's first 24 months of service, not less than eight hours of trauma-related training on the same subject matter as the training for judges and prosecutors. The bill requires TDCJ to make the training available to correctional officers not later than January 1, 2020.

H.B. 3409 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE), as part of the minimum school curriculum requirements for training law enforcement officers, to require each officer to complete not less than eight hours of trauma-related training on the same subject matters as the training provided for judges, prosecutors, and correctional officers. The bill requires TCOLE to establish this training program not later than December 1, 2019.

EFFECTIVE DATE

September 1, 2019.