

SUBJECT: Judicial training for family violence, sexual assault and child abuse issues

COMMITTEE: Judicial Affairs — committee substitute recommended

VOTE: 6 ayes — Thompson, Hartnett, Goodman, Solis, Willis, Zbranek

1 nay — Nixon

1 present, not voting — Alonzo

1 absent — Duncan

WITNESSES: For — None

Against — None

On — Mari Kay Bickett, Texas Center for the Judiciary; Robert L. Green, Jr., Texas Fathers Alliance

BACKGROUND: The 73rd Legislature enacted SB 947 by Montford, authorizing the Texas Court of Criminal Appeals to require training programs for judges trying criminal cases. Previously, that authority was exclusively held by the Texas Supreme Court. Government Code sec. 22.011 required the Supreme Court to adopt rules relating to the training of judges on matters involving family violence, sexual assault and child abuse.

DIGEST: CSHB 1551 would transfer the authority to require judges to attend training on family violence, sexual assault and child abuse matters from the Texas Supreme Court to the Texas Court of Criminal Appeals. Government Code sec. 22.011, authorizing the Supreme Court and the Office of Court Administration to oversee similar training programs, would be repealed.

CSHB 1551 would require the Office of Court Administration, which currently oversees judicial training programs, to transfer to the Court of Criminal Appeals any education committee records related to judicial training on family violence, sexual assault and child abuse.

All judges who held office on the effective date of the bill, August 31, 1995, would have to complete training before August 31, 1996. Judges who took office after the effective date would have to complete the training within their first term of office.

Judges would be exempted from the training requirements if they do not hear any cases related to family violence, sexual assault or child abuse.

**SUPPORTERS
SAY:**

CSHB 1551 is a clean-up measure necessitated by enactment of SB 947 by the 73rd Legislature, which transferred the authority to request and disperse funds for judicial training programs from the Supreme Court to the Court of Criminal Appeals. Under Government Code sec. 22.011 judges who hear cases relating to family violence, sexual assault or child abuse already must complete eight hours training relating to those matters. CSHB 1551 would just transfer these training programs can be managed by the Court of Criminal Appeals.

Some confusion arose over whether CSHB 1551 would mandate every judge to receive additional training. It would not; the bill would merely change which court conducts the training program already required of every judge. Although CSHB 1551 would create a new section of the law, the current law, contained in Government Code sec. 22.011, is identical in every respect except which court is responsible for the program. A new section was created in order to place the statute within subchapter B, governing the Court of Criminal Appeals, rather than subchapter A which addresses the Supreme Court.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

A related bill, SB 80 by Shapiro, reported favorably by the Senate State Affairs Committee on April 10, would amend sec. 22.011 to require the judicial training managed by the Supreme Court to include training related to sexual offender characteristics.