

- SUBJECT:** Governor-appointed administrative judge for drug courts
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 10 ayes — McReynolds, Madden, England, Hodge, Kolkhorst, Marquez, Martinez, S. Miller, Ortiz, Sheffield
- 0 nays
- 1 absent — Dutton
- WITNESSES:** For — Teresa Williams, Dallas County CSCD; Ana Yanez-Correa, Texas Criminal Justice Coalition; Robert Francis (*Registered, but did not testify*: Justin Marlin, Texans Care for Children; Matthew Simpson, The ACLU of Texas; Clifford Gay)
- Against — None
- On — Donald Lee, Texas Conference of Urban Counties; John Crezot
- BACKGROUND:** Health and Safety Code, sec. 469.002 authorizes counties to establish drug courts for persons arrested for or convicted of alcohol or drug offenses or other non-violent offenses in which alcohol or drugs contributed to the offense. Under sec. 469.006, certain large counties are required to establish drug court programs.
- DIGEST:** CSHB 1118 would require the governor, with the advice and consent of the Senate, to appoint an administrative judge for drug court programs in Texas. The administrative judge would serve a four-year term, and the governor would be required to promptly fill any vacancy in the position.
- The appointee would have to:
- be a former, retired, or senior judge of a district court or county court at law;
  - be qualified for appointments under Government Code requirements for appointed judges;

- have at least eight years experience as a district or county court at law judge; and
- have at least four years' experience as the judge of a drug court program or similar program.

Appointees would be required to work to:

- enhance the effectiveness of the state's drug courts;
- ensure that each drug court met the essential characteristics of drug courts in current law;
- develop training for officials involved in the courts;
- assist drug courts in obtaining grants;
- coordinate efforts for additional drug courts;
- assist in legislative oversight of the courts; and
- report to the Legislature and the governor biennially.

The administrative judge would receive the same compensation as district judges in the county in which the administrative judge resided, including salary and travel expenses. The Office of Court Administration would be required to arrange office space for the drug court administrative judge. The judge could employ or contract with a governmental entity for support staff. This staff could be compensated by the state or the county or by grants.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009. The governor would have to appoint the first administrative judge by December 1, 2009, for a term beginning January 1, 2010.

**SUPPORTERS  
SAY:**

CASHB 1118 is needed to bring better coordination to the state's drug court programs, which would make them more effective. Currently, about 80 drug courts operate throughout the state. While the statute authorizing these courts outlines 10 essential elements for the courts, there is some inconsistency in how these elements are applied in different courts.

CASHB 1118 would solve this problem by having an administrative judge appointed for all the drug courts. The appointee could help ensure that the courts were meeting the requirements in current law and help identify and publicize the best practices for the courts. Using the best practices would make the courts more effective for the offender, which would benefit the public. Other duties would include training court personnel and obtaining

grant funding. The position could be especially helpful with the establishment of new courts, when judges often are looking for guidance. Other states have some type of coordinating office for drug courts, and Texas should follow suit.

It would be appropriate for the governor to appoint the drug-court administrative judge because the governor has expertise in making statewide appointments and a well-established process for doing so. The bill would require Senate confirmation of the appointment and establish qualifications for the appointee, providing the necessary check and balance on the appointment. In addition, Health and Safety Code Chapter 469.003 already gives the governor some oversight of drug courts by requiring the courts to notify the criminal justice division of the Governor's Office before implementing programs and to report to the division on request.

The cost of CSHB 1118 would be minor when compared with the benefit to the state. Drug courts give offenders supervision to ensure public safety and treatment to reduce addiction and recidivism. National studies have shown that drug courts successfully reduce recidivism by up to 44 percent, thereby enhancing public safety. Making these courts even more administratively streamlined would only increase their effectiveness.

**OPPONENTS  
SAY:**

Someone in the judicial branch, rather than the governor, should appoint the administrative drug court judge. For example, the chief justice of the Supreme Court or the judges of the nine judicial administrative regions could make the appointment required by the bill. These judges have experience in vetting and appointing judges in other situations, and it would be best to keep the appointments within the judicial branch of state government.

**NOTES:**

The fiscal note for CSHB 1118 estimates a two-year cost to general revenue of \$383,131.

The House-passed version of SB 1, the general appropriations bill for fiscal 2010-11, contains an appropriations of \$384,131 contingent on the enactment of HB 1118 in the Article 11 "wish list."