

- SUBJECT:** Creating a court reminder program for criminal defendants
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Leach, Davis, Dutton, Julie Johnson, Krause, Middleton, Moody, Schofield, Smith
- 0 nays
- WITNESSES:** For — Nick Hudson, American Civil Liberties Union of Texas; Koretta Brown, Texas Organizing Project; (*Registered, but did not testify:* Terra Tucker, Alliance for Safety and Justice; Traci Berry, Goodwill Central Texas; Noel Johnson, JPCA; Kathy Mitchell, Just Liberty; Nicholas Chu, Carlos Lopez, and Jama Pantel, Justices of the Peace and Constables Association of Texas; Penny Rayfield, OnShore Assembly; Joshua Massingill, Prison Fellowship Ministries; Matt Clark, Professional Bondsmen of Texas; Maggie Luna, Statewide Leadership Council; Ray Sullivan, Texas Association of Business; Lori Henning, Texas Association of Goodwills; Douglas Smith, Texas Criminal Justice Coalition; Amelia Casas, Texas Fair Defense Project; Nikki Pressley, Texas Public Policy Foundation; Julie Wheeler, Travis County Commissioners Court; and 17 individuals)
- Against — None
- BACKGROUND:** It has been suggested that court reminder programs could improve the overall efficiency of Texas courts, working as a cost-effective solution to the issues associated with a criminal defendant failing to appear at a scheduled court date.
- DIGEST:** HB 4293 would require the Office of Court Administration (OCA) to develop and make available to each county a court reminder program allowing the county to send a text message notifying criminal defendants of scheduled court appearances.

Purposes. The court reminder program's purposes would have to include

reducing costs associated with defendants who failed to appear for a scheduled court appearance, improving the efficiency of courts in Texas, reminding criminal defendants to appear at each scheduled court appearance, and reducing the number of criminal defendants confined in a county jail due solely to the defendant's failure to appear for a scheduled court appearance.

Requirements. The court reminder program would have to:

- be available to each county at no cost;
- comply with applicable state and federal laws requiring the consent of an individual before sending a reminder by text message;
- provide text message reminders for each court appearance of a defendant who had access to a device that could receive text messages and provided the court administrator with an operational phone number for the device;
- document each occurrence of a criminal defendant receiving a text message reminder;
- identify criminal defendants with scheduled court appearances who lacked access to devices that could receive text messages;
- document the number of criminal defendants who failed to appear at scheduled court appearances after being sent one or more text message reminders;
- include the technological capability, at the discretion of the local administrative judge, to provide additional information concerning scheduled court appearances, such as the location, available transportation, and procedures for defendants unable to attend an appearance;
- support partnerships with local law enforcement agencies, local governments, and local public defenders in accordance with the purposes of the program; and
- provide one or more publicly available websites through which criminal defendants could request text reminders.

Establishment of county programs. The judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal

cases in each county would be required to establish a court reminder program allowing the county to send text messages notifying criminal defendants of scheduled court appearances. The judges could join the state program developed by OCA or could develop a county program that complied with the requirements for the state program.

Municipal program. OCA or the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county could partner with municipalities and local law enforcement agencies to allow:

- individuals who received a citation and were released to receive text message reminders of scheduled court appearances; and
- criminal defendants in municipal court to receive text message reminders of scheduled court appearances.

Any municipality that entered such a partnership with OCA would be required to pay all of the costs of sending text reminders, including the costs of linking the municipal court database with that state court administrator database.

Other provisions. By September 1, 2022, OCA and the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county would be required to develop and make available the court reminder program established under the bill.

The bill would take effect September 1, 2021.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about \$122,000 to general revenue through fiscal 2023.