

BILL ANALYSIS

Senate Research Center

S.B. 1417
By: Ellis
Jurisprudence
4-3-97
As Filed

DIGEST

Recently, the 74th Legislature directed the chief justice of the supreme court of Texas to establish the Texas Commission on Judicial Efficiency (commission). This commission made recommendations regarding information technology, funding parity, court performance measures, staff diversity, and judicial selection. This bill adopts most of the recommendations by establishing the Judicial Committee on Information Technology, and authorizing the Office of Court Administration to establish recruitment programs and other programs for law clerks and staff attorneys. Additionally, S.B. 1417 requires the Office of Court Administration to publish certain reports and establish the Office of Court Efficiency.

PURPOSE

As proposed, S.B. 1417 adopts most of the recommendations of the Texas Commission on Judicial Efficiency by establishing the Judicial Committee on Information Technology, authorizes the Office of Court Administration to establish recruitment programs and other programs for law clerks and staff attorneys, and requires the Office of Court Administration to publish certain reports and establish the Office of Court Efficiency.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Office of Court Administration in SECTION 2 (Sections 72.042, 72.043, and 72.081, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 51, Government Code, by adding Subchapter K, as follows:

SUBCHAPTER K. JUDICIAL TECHNOLOGY INFRASTRUCTURE ACCOUNT

Sec. 51.921. ADDITIONAL FILING FEE FOR JUDICIAL TECHNOLOGY. Requires certain clerks to collect a \$1 fee on certain filings. Provides that Subsection (a) does not apply to certain persons. Sets forth the requirements for collection of fees under this section. Sets forth requirements for exemptions and records for the fees under this section.

Sec. 51.922. TIME PAYMENT FEE. Requires the clerk of certain courts to collect a \$25 fee from certain persons. Provides that Subsection (a) does not apply to certain persons. Sets forth the requirements for collection of fees under this section. Sets forth requirements for exemptions and records for the fees under this section.

SECTION 2. Amends Chapter 72, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. JUDICIAL LAW CLERK AND STAFF ATTORNEY RECRUITMENT

Sec. 72.041. RECRUITMENT PROGRAM. Defines "bar association." Sets forth requirements for the establishment and maintenance of a recruitment program to assist courts in recruiting individuals for employment as judicial law clerks and staff attorneys.

Sec. 72.042. JUDICIAL LAW CLERK STUDENT LOAN FUND. Defines "fund." Sets

forth requirements and procedures of the judicial law clerk student loan fund. Requires the office, by rule, to establish eligibility for assistance from the fund.

Sec. 72.043. JUDICIAL LAW CLERK EMPLOYMENT ASSISTANCE. Sets forth requirements of the judicial law clerk employment assistance program. Requires the Office of Court Administration (office), by rule, to establish eligibility for direct assistance from the judicial law clerk employment assistance program.

Sec. 72.044. DIVERSITY. Requires certain courts to encourage the recruitment of judicial law clerks and staff attorneys that reflect the gender, racial, and ethnic diversity of the state.

Sec. 72.045. DEMOGRAPHIC CENSUS. Requires the office annually to publish a report regarding the demographics of judicial law clerks and attorneys employed by the courts of this state. Authorizes the office to request that an employee of a court provide demographic information and that the employee's response is not a public record.

SECTION 3. Amends Chapter 72, Government Code, by adding Subchapter E, as follows:

SUBCHAPTER E. COURT PERFORMANCE STANDARDS

Sec. 72.081. RULES. Requires the office to adopt rules to administer this section.

Sec. 72.082. PERFORMANCE REPORT. Requires the office to publish a performance report regarding the efficiency of each court of this state.

Sec. 72.083. TRIAL COURTS. Requires each trial court to report on certain matters to the office.

Sec. 72.084. COURT OF APPEALS. Requires a court of appeals to report on certain matters to the office.

Sec. 72.085. COURT OF CRIMINAL APPEALS. Requires a court of criminal appeals to report on certain matters to the office.

Sec. 72.086. SUPREME COURT. Requires the supreme court to report on certain matters to the office.

SECTION 4. Amends Title 2F, Government Code, by adding Chapter 77, as follows:

CHAPTER 77. JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 77.001. DEFINITIONS. Defines "committee," "court," and "Internet."

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 77.011. JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY. Sets forth the operation and powers of the Judicial Committee on Information Technology (committee).

Sec. 77.012. MEMBERS. Sets forth constituency of the committee.

Sec. 77.013. COMPENSATION. Sets forth compensation of the members of the committee.

Sec. 77.014. STAFF. Requires the Office of Court Administration of the Texas Judicial System to provide staff for the committee.

SUBCHAPTER C. POWERS AND DUTIES; FUNDING

Sec. 77.031. GENERAL POWERS AND DUTIES. Sets forth powers and duties of the committee.

Sec. 77.032. JUDICIAL TECHNOLOGY ACCOUNT. Sets forth requirements of the judicial technology account.

SECTION 5. Amends Title 2F, Government Code, by adding Chapter 78, as follows:

CHAPTER 78. OFFICE OF COURT EFFICIENCY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 78.001. DEFINITIONS. Defines "court," "director," and "office."

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 78.011. OFFICE OF COURT EFFICIENCY. Sets forth the operations, powers, and duties of the Office of Court Efficiency (office).

Sec. 78.012. DIRECTOR. Requires the director of the office (director) to implement this chapter and direct the operations of the office.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 78.021. BUDGET; EXPENDITURES. Requires the director to submit a budget and recommend expenditures for the office.

Sec. 78.022. PERSONNEL. Requires the director, with approval of the chief justice of the supreme court, to employ personnel needed to administer the office.

Sec. 78.023. CONSULTATION AND ASSISTANCE. Requires the director to consult with and assist certain persons.

Sec. 78.024. ANNUAL REPORT. Sets forth the requirements of the annual report.

Sec. 78.025. ADDITIONAL DUTIES. Authorizes the chief justice of the supreme court to assign the director additional duties.

SECTION 6. Amends Section 552.272, Government Code, by adding Subsection (e), as follows:

(e) Sets forth requirements for an exception for charging for access to information that exists in an electronic medium.

SECTION 7. Effective date: September 1, 1997.

Makes application of this Act prospective.

SECTION 8. Requires the Office of Court Administration of the Texas Judicial System to publish the report as required by Chapter 72E, Government Code, as added by this Act, no later than January 15, 1998.

SECTION 9. Emergency clause.