

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1417

By: Ellis

Jurisprudence

4-8-97

Committee Report (Substituted)

### **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, C.S.S.B. 1417 requires the Office of Court Administration to publish certain reports and establish the Office of Court Efficiency.

### **PURPOSE**

As proposed, C.S.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 SECTIONS 2 and 3(Sections 72.042, 72.043, and 72.081, Government Code) and in SECTION 7 (Section 72.102, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

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

#### **SUBCHAPTER K. TIME PAYMENT FEE**

Sec. 51.921. TIME PAYMENT FEE. Requires the clerk of certain courts to collect a \$25 fee from certain persons. Sets forth the requirements for collection of fees under this section. Requires the custodian of the county treasury to send 50 percent of the fees collected under this section to the comptroller at least as frequently as monthly. Sets forth duties of the custodian of the county treasury. Prohibits a commissioners court or governing body from considering the reimbursement in Subsection (f) in adopting the county or municipal budget.

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. Authorizes the office to request that a court provide demographic information to the office.

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 the office to report certain information. Defines "clearance rate."

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 Chapter 72, Government Code, by adding Subchapter F, as follows:

#### SUBCHAPTER F. COURT EFFICIENCY

Sec. 72.091. DUTIES. Sets forth the duties of the office.

Sec. 72.092. EXPENDITURES. Requires the director to study and recommend expenditures and savings.

Sec. 72.093. PERSONNEL. Sets forth requirements for employing personnel.

Sec. 72.094. CONSULTATION AND ASSISTANCE. Requires the director to consult with certain persons.

Sec. 72.095. ANNUAL REPORT. Requires the director to prepare an annual report regarding the office. Require the director to recommend to the supreme court appropriate means to implement this subchapter.

Sec. 72.096. ADDITIONAL DUTIES. Authorizes the chief justice to assign duties to the director.

SECTION 5. 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. 7.012. MEMBERS. Sets forth constituency of the committee. Sets forth requirements for selecting members.

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 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. Amends Chapter 72G, Government Code, as follows:

Sec. 72.101. DEFINITIONS. Defines "county," "collections," "collections officer," and "account."

Sec. 72.102. POWERS AND DUTIES. Requires the office, by rule, to establish a program for providing grants. Sets forth requirements of the grants.

Sec. 72.103. OFFICE OF COURT ADMINISTRATION COLLECTIONS GRANT ACCOUNT. Sets forth requirements of the Office of Court Administration Grant Account.

SECTION 8. Emergency clause.

Effective date: 90 days after adjournment.

## **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends subchapter heading. Amends Section 51.921, Government Code, regarding time payment fee.

SECTION 2.

Amends Section 72.045, Government Code, concerning demographic census.

SECTION 3.

Amends Section 72.083, Government Code, regarding trial courts.

SECTION 4.

Amends SECTION 4, by adding Chapter 72F, Government Code, regarding court efficiency.  
Redesignates SECTION 4 as SECTION 5.

SECTION 5.

Deletes proposed SECTION 5.

SECTIONS 7 and 8.

Deletes proposed SECTIONS 7 and 8.