

## **BILL ANALYSIS**

Senate Research Center

H.B. 1793  
By: Farrar et al. (Zaffirini)  
Jurisprudence  
4/28/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Juvenile court judges already are required by statute to have an understanding of the problems of child welfare. Municipal and justice courts handle Class C misdemeanor charges filed against juveniles, but there are no education requirements for the judges who handle these juvenile cases. The lack of education and training for municipal and justice courts is particularly relevant when juveniles with mental disabilities are charged in municipal or justice courts. Youth who receive special education services are disproportionately represented in state and school disciplinary proceedings.

The federal Individuals with Disabilities Education Act (IDEA) ensures certain rights to special education children who may be adversely affected by disciplinary proceedings in the juvenile justice system. Yet, the municipal and justice court judges who handle Class C misdemeanor charges against juveniles do not receive any specific training on special education and the requirements of IDEA.

H.B. 1793 establishes additional education requirements for judges handling juvenile Class C misdemeanor cases to ensure that the judges possess an understanding of the problems of child welfare and IDEA.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Court of Criminal Appeals in SECTION 1 (Section 22.1105, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 22, Government Code, by adding Section 22.1105, as follows:

Sec. 22.1105. JUDICIAL INSTRUCTION RELATED TO CERTAIN ALLEGED CHILD OFFENDERS. (a) Requires each judge of a court with jurisdiction to hear a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only, other than a traffic offense or public intoxication, or a violation of a penal ordinance of a political subdivision other than a traffic offense, to complete a course of instruction related to understanding relevant issues of child welfare and the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) every judicial academic year that ends in a zero or a five.

(b) Requires the court of criminal appeals (court) to adopt the rules necessary to provide for the training required under Subsection (a). Requires that the rules require a judge described by Subsection (a) to complete two hours of the required training every judicial academic year that ends in a zero or a five as part of the training the judge is required to complete under rules adopted by the court of criminal appeals or other law.

(c) Authorizes the court, in adopting the rules, to consult with the supreme court and professional groups and associations in this state that have expertise in the subject matter to obtain recommendations for instructional content.

SECTION 2. (a) Requires the court, not later than March 10, 2010, to adopt the rules necessary to provide the training required under Section 22.1105, Government Code, as added by this Act.

(b) Provides that a judge who is in office on the effective date of this Act, notwithstanding Section 22.1105, Government Code, as added by this Act, is not required to complete the judicial training required by Section 22.1105 before September 1, 2010.

SECTION 3. Effective date: September 1, 2009.