Interim Judicial Legislative Studies Underway

During the interim between legislative sessions, the committees of the Senate and the House of Representatives conduct studies on state issues. The topics are determined by charges submitted by the Lt. Governor to the Senate committees and the Speaker to the House committees. These presiding officers have provided over 80 pages of interim study topics to the committees. In addition to other issues, most committees have been instructed to analyze the effects of Hurricane Harvey. Public hearings will be held through November. Reports and proposed legislation will be submitted to the next legislative session in January. Below are some of the significant judicial county issues being studied.

Senate Committees

Finance Committee

- Fee Structure Review: Review state General Revenue - Dedicated fees and make recommendations to reduce fees and lessen reliance on General Revenue - Dedicated fee balances to certify the budget.

- Adult and Juvenile Corrections Funding: Examine the funding patterns used to fund the juvenile justice system and adult probation departments. Develop recommendations to ensure the Texas Juvenile Justice Department budget does not dis-incentivize the use of cost-effective best practices such as diverting youth from the juvenile justice system, providing services to youth in their community, and keeping youth closer to home. In addition, review funding to adult probation departments and ensure it provides for an equitable distribution to all Texas Probation Departments.

- Trauma Funding: Review revenue sources currently funding the state’s trauma system and the impact of declining revenues and balances in General Revenue - Dedicated accounts. Evaluate the impact of statutory changes affecting trauma system funding, including efforts to eliminate the Driver Responsibility Program. Examine ways to ensure sustainability of the trauma system in Texas.
State Affairs Committee

- **Court Fees:** Examine the structure of court fees and make recommendations to ensure statutory filing fees and court costs are appropriate and justified. Provide recommendations for proper agency oversight of fee collection.

Criminal Justice Committee

- **Identify Successful Re-Entry Programs:** Study current reentry programs and procedures across Texas' adult criminal justice system and identify which are most effective. Review best practices and make recommendations to ensure that incarcerated individuals who are released from a county or city jail, state jail, or the Texas Department of Criminal Justice have adequate supervision and access to employment, housing, treatment, and other support programs to allow for successful reentry and integration into the community and to prevent recidivism.

- **State Jail Review to Improve Outcomes:** Perform a comprehensive analysis and study of the Texas state jail system. Examine the access to and use of rehabilitation, vocation, and education programs. Determine whether current programs are effective and if there are efficiencies that can be found to reduce recidivism and improve outcomes.

- **Telemedicine in Correctional Facilities:** Review current availability and best practices in the state regarding the use of telemedicine for inmates in city or county jail, state jail, or the Texas Department of Criminal Justice. Examine and make recommendations on whether access to care and outcomes can be improved through the expanded use of telemedicine for medical and mental health services, and whether expansion would create efficiencies. Examine barriers to implementation and expansion of telemedicine in correctional facilities.

- **Monitoring:** Monitor the implementation of legislation addressed by the Senate Criminal Justice Committee during the 85th Legislature and make recommendations for any legislation needed to improve, enhance, and/or complete implementation of the following:
  - Senate Bill 12, Relating to the creation of a grant program to assist law enforcement agencies with the purchase of bulletproof vests and body armor;
  - Senate Bill 30, Relating to the inclusion of instruction regarding interaction with peace officers in the required curriculum for certain public school students and in driver education courses and to civilian interaction training for peace officers; and
  - Senate Bill 1326, Relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.
House Committees

Committee on Appropriations

- Review state funding, including formula funds, for adult probation departments and the juvenile justice system. Consider recommendations to enhance equity, encourage the use of cost-effective practices, and meet the future needs of departments and counties throughout the state.

- Study the state crime lab operational structure and recommend strategies to increase efficiency, including the possibility of establishing a fee for certain services to minimize duplication and encourage timely processing.

Committee on Corrections

- Examine the use of social workers and peer support specialists in the Texas criminal justice system to assist individuals on probation, on parole, or who have been discharged, in order to reduce recidivism and improve outcomes. Identify best practices and make recommendations for legislative action.

- Examine the current Texas criminal justice system policies and practices regarding 17- to 25- year olds, specific to probation, parole, state jail confinement, and discharge from the Texas Department of Criminal Justice or county jail. Review any gaps in services that may be causing this population to recidivate. Make recommendations to improve the state's response to the needs of this population in order to lower revocation, re-arrest, and re-incarceration rates.

- Review the Texas state jail system. Examine its original intent, sentencing guidelines, effectiveness, and recidivism rates. Make recommendations for changes in the state jail system. (Joint charge with the House Committee on Criminal Jurisprudence)

- Monitor Texas prison system heat-related litigation currently making its way through the courts. Monitor Prison Rape Elimination Act (PREA) compliance within Texas state and county criminal justice facilities.

Committee on County Affairs

- Study how counties identify defendants' and inmates' behavioral health needs and deferral opportunities to appropriate rehabilitative and transition services. Consider models for ensuring defendants and inmates with mental illness receive appropriate services upon release from the criminal justice system.
Committee on Criminal Jurisprudence

- Study current practices for the enforcement of criminal laws against low-level possession of marijuana. Examine the use of alternative punishments and improvements to criminal enforcement mechanisms and community supervision.

- Examine instances of prosecutorial misconduct and ineffective assistance of defense counsel. Review systemic and structural issues affecting the and resolution of criminal cases.

- Review the Texas state jail system, including its original intent, sentencing guidelines, effectiveness, and recidivism rates. Make recommendations for changes in the state jail system that will improve outcomes. *(Joint charge with the House Committee on Corrections)*

- Monitor the work of the Office of Court Administration on pre-trial risk assessment tools for the Texas Judiciary, and study the use of risk assessment tools at various stages in the criminal justice process. Monitor litigation on Harris County pretrial bond practices. Monitor the implementation of the legislation passed by the 85th Legislature regarding the imposition of fines, fees, and court costs in criminal courts.

Committee on General Investigating & Ethics

- Review conflict of interest laws governing public officers and employees to ensure that such laws are adequate to maintain the public's confidence in government decision-making. Review personal financial statement requirements to ensure that the public has sufficient information on the private financial interests of public officers.

- Examine the Judicial Campaign Fairness Act and identify opportunities to improve the Act.

Committee on Government Transparency & Operation

- Review Texas' open meeting laws and related government decision-making policies. Determine if the formal processes prevented the efficient delivery of assistance during Hurricane Harvey. Make recommendations on maintaining the current standards of accountability without limiting government-provided aid during disaster events.

- Evaluate whether, in light of recent Texas Supreme Court rulings, the provisions of the Public Information Act are adequate to support transparency and accountability in government, particularly as it relates to government contracting and procurement.

Committee on Homeland Security & Public Safety

- Monitor the implementation of gun legislation passed by the 85th Legislature.

- Evaluate opportunities for DPS to expedite the driver license renewal process.
Committee on Judiciary & Civil Jurisprudence

- Study the effects of Hurricane Harvey on the courts and legal system. Examine whether existing statutes granting authority to the Texas Supreme Court and Texas Court of Criminal Appeals are adequate to address potential needs during emergencies. Study the effects of Harvey on civil legal aid programs in general, and specifically in regard to legal problems faced by those impacted.

- Examine the increasing use of non-traditional methods of resolving legal disputes and interacting with the legal system, and the implications of this trend both for the parties involved and the legal system as a whole. Include an examination of the availability and use of self-help resources, recent efforts by the Legislature and courts to increase access to justice for unrepresented litigants, and the use of online dispute resolution.

- Evaluate the statutes prescribing fees in civil and criminal matters and examine opportunities to simplify and improve the fee structure. Identify fees that may be challenged on grounds similar to those raised in Salinas v. Texas (Tex. Court of Crim. Apps., March 8, 2017), and recommend any necessary changes.

- Study the increased use of specialty courts across the state. Examine the role these courts play in the judicial system and recommend improvements to ensure they continue to be appropriately and successfully utilized.

- Examine the jurisdictional thresholds of the justice, county, and district courts, including how these limits and other factors impact the caseload of the courts. Study possible improvements in the efficient organization and operation of the court system.

- Monitor the ongoing efforts of the Office of Court Administration's guardianship compliance program, and consider additional methods to ensure that Texans placed under guardianship are protected from abuse.

- Monitor the implementation of the statewide electronic database of court records ("re:SearchTX")

Committee on Juvenile Justice & Family Issues

- Study the issue of adult criminal responsibility for 17-year-olds. Review juvenile justice penalties and sanctions determined by a juvenile's age. Identify best practices in other states relating to juvenile age. Make recommendations regarding penalties and sanctions in the juvenile age population.

- Evaluate the use of telemedicine to improve behavioral health services in the juvenile justice system.

Committee on State Affairs

- Monitor the implementation and ongoing litigation of S.B. 4 (85R).
Select Committee on Opioids and Substance Abuse

- Study the prevalence and impact of substance use and substance use disorders in Texas, including co-occurring mental illness. Study the prevalence and impact of opioids and synthetic drugs in Texas. Review the history of overdoses and deaths due to overdoses. Also review other health-related impacts due to substance abuse. Identify substances that are contributing to overdoses, related deaths and health impacts, and compare the data to other states. During the review, identify effective and efficient prevention and treatment responses by health care systems, including hospital districts and coordination across state and local governments. Recommend solutions to prevent overdoses and related health impacts and deaths in Texas.

- Identify how opioids have impacted the normal scope of work for law enforcement, first responders, and hospital emergency department personnel.

- Examine the impact of substance abuse and substance use disorders on Texans who are involved in the adult or juvenile criminal justice system and/or the Child Protective Services system. Identify barriers to treatment and the availability of treatment in various areas of the state. Recommend solutions to improve state and local policy, including alternatives to justice system involvement, and ways to increase access to effective treatment and recovery options.

- Identify the specialty courts in Texas that specialize in substance use disorders. Determine the effectiveness of these courts and consider solutions to increase the number of courts in Texas.
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