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By: Zaffirini   S.B. No. 42

A BILL TO BE ENTITLED
AN ACT
relating to the security of courts and judges in the state.
        BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
        SECTION 1. Article 102.017(f), Code of Criminal Procedure,
is amended to read as follows:
        (f) The sheriff or other law enforcement agency or entity
that provides security for a court [A local administrative judge]
shall provide to the Office of Court Administration of the Texas
Judicial System a written report regarding any security incident
involving court security that occurs in or around a building
housing a court for which the sheriff, agency, or entity provides
security [judge serves as local administrative judge] not later
than the third business day after the date the incident occurred.
        SECTION 2. Subchapter A, Chapter 29, Government Code, is
amended by adding Section 29.014 to read as follows:
        Sec. 29.014. COURT SECURITY COMMITTEE. (a) The presiding
or municipal judge, as applicable, shall establish a court security
committee composed of:
                (1) the presiding or municipal judge, or the judge's
designee;
                (2) a representative of the law enforcement agency or
other entity that provides the primary security for the court;
                (3) a representative of the municipality; and
                (4) any other person the committee determines
necessary to assist the committee.
        (b) The person described by Subsection (a)(1) serves as
presiding officer of the committee.
        (c) The committee shall establish the policies and
procedures necessary to provide adequate security to the municipal
courts served by the presiding or municipal judge, as applicable.
        SECTION 3. Section 30.00007(b), Government Code, is amended
to read as follows:
        (b) The presiding judge shall:
                (1) maintain a central docket for cases filed within
the territorial limits of the municipality over which the municipal
courts of record have jurisdiction;
                (2) provide for the distribution of cases from the
central docket to the individual municipal judges to equalize the
distribution of business in the courts;
                (3) request the jurors needed for cases that are set
for trial by jury;
                (4) temporarily assign judges or substitute judges to
exchange benches and to act for each other in a proceeding pending
in a court if necessary for the expeditious disposition of business
in the courts; [and]
                (5) supervise and control the operation and clerical
functions of the administrative department of each court, including
the court's personnel, during the proceedings of the court; and
                (6) establish a court security committee to adopt
security policies and procedures for the courts served by the
presiding judge that is composed of:
                        (A) the presiding judge, or the presiding judge's
designee, who serves as presiding officer of the committee;
                        (B) a representative of the law enforcement
agency or other entity that provides the primary security for the
court;
                        (C) a representative of the municipality; and
                        (D) any other person the committee determines

necessary to assist the committee.
        SECTION 4. Subchapter B, Chapter 72, Government Code, is amended by adding Section 72.015 to read as follows:
        Sec. 72.015. JUDICIAL SECURITY DIVISION. (a) The office shall establish a judicial security division to provide guidance to state court personnel on improving security for each court.
        (b) The office shall appoint a director of security and emergency preparedness to oversee the judicial security division.
        (c) The judicial security division shall:
                (1) serve as a central resource for information on local and national best practices for court security and the safety of court personnel;
                (2) provide an expert opinion on the technical aspects of court security; and
                (3) keep abreast of and provide training on recent court security improvements.
        SECTION 5. Section 74.092, Government Code, is amended to read as follows:
        Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. A local administrative judge, for the courts for which the judge serves as local administrative judge, shall:
                (1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;
                (2) appoint any special or standing committees necessary or desirable for court management and administration;
                (3) promulgate local rules of administration if the other judges do not act by a majority vote;
                (4) recommend to the regional presiding judge any needs for assignment from outside the county to dispose of court caseloads;
                (5) supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration;
                (6) provide the supreme court and the office of court administration requested statistical and management information;
                (7) set the hours and places for holding court in the county;
                (8) supervise the employment and performance of nonjudicial personnel;
                (9) supervise the budget and fiscal matters of the local courts, subject to local rules of administration;
                (10) coordinate and cooperate with any other local administrative judge in the district in the assignment of cases in the courts' concurrent jurisdiction for the efficient operation of the court system and the effective administration of justice;
                (11) if requested by the courts the judge serves, establish and maintain the lists required by Section 37.003 and ensure appointments are made from the lists in accordance with Section 37.004; [and]
                (12) perform other duties as may be directed by the chief justice or a regional presiding judge; and
                (13) establish a court security committee to adopt security policies and procedures for the courts served by the local administrative judge that is composed of:
                        (A) the local administrative judge, or the judge's designee, who serves as presiding officer of the committee;
                        (B) a representative of the sheriff's office;
                        (C) a representative of the county;
                        (D) one judge of each type of court served by the local administrative judge; and
                        (E) any other person the committee determines necessary to assist the committee.
        SECTION 6. Subtitle L, Title 2, Government Code, is amended

by adding Chapter 158 to read as follows:

<div align="center">CHAPTER 158. COURT SECURITY OFFICERS</div>

Sec. 158.001. DEFINITION. In this chapter, "court security officer" means a sheriff, sheriff's deputy, municipal peace officer, or any other person who provides security for an appellate, district, statutory county, county, municipal, or justice court in this state.

Sec. 158.002. COURT SECURITY CERTIFICATION. (a) Except as provided by Subsection (b), a person may not serve as a court security officer for an appellate, district, statutory county, county, municipal, or justice court in this state unless the person holds a court security certification issued by a training program approved by the Texas Commission on Law Enforcement.

(b) A court security officer is not required to hold a court security certification to provide security to a court described by Subsection (a) before the first anniversary of the date the officer begins providing security for the court.

Sec. 158.003. VERIFICATION. The sheriff, law enforcement agency, or other entity that provides security for a court shall verify that each court security officer holds the court security certification as required by this chapter.

SECTION 7. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.0485 to read as follows:

Sec. 411.0485. PROTECTION FOR JUDGES. (a) The department as the department determines appropriate may provide personal security to a state judge who has been threatened or attacked.

(b) The department may protect a threatened or attacked judge at locations outside of the jurisdiction in which the judge serves.

SECTION 8. Section 552.117(a), Government Code, is amended to read as follows:

(a) Information is excepted from the requirements of Section 552.021 if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1) a current or former official or employee of a governmental body, except as otherwise provided by Section 552.024;

(2) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or a security officer commissioned under Section 51.212, Education Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(3) a current or former employee of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department, regardless of whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175;

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether

the current or former employee complies with Section 552.024 or 552.1175;

        (8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

        (9) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice Department, or the predecessors in function of the department, under Title 12, Human Resources Code, regardless of whether the current or former officer complies with Section 552.024 or 552.1175;

        (10) a current or former employee of a juvenile justice program or facility, as those terms are defined by Section 261.405, Family Code, regardless of whether the current or former employee complies with Section 552.024 or 552.1175; [or]

        (11) a current or former member of the Texas military forces, as that term is defined by Section 437.001; or

        (12) a current or former federal judge or state judge or a spouse of a current or former federal judge or state judge.

    SECTION 9. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.035 to read as follows:

    Sec. 572.035. REMOVAL OF PERSONAL INFORMATION FOR FEDERAL JUDGES, STATE JUDGES, AND SPOUSES. The commission shall remove or redact from any financial statement, or information derived from a financial statement, that is available to the public the residence address of a federal judge, a state judge, or the spouse of a federal or state judge on the judge's qualification for the judge's office.

    SECTION 10. Section 13.0021(b), Election Code, is amended to read as follows:

    (b) If the registration applicant is a federal judge, a state judge, or the spouse of a state judge or a federal judge, the registrar of the county shall omit [who seeks to have] the applicant's residence address [omitted] from the registration list[, the applicant shall include with the application an affidavit stating that the applicant is a federal judge or state judge or the spouse of a federal judge or state judge].

    SECTION 11. Section 15.0215, Election Code, is amended to read as follows:

    Sec. 15.0215. OMISSION OF ADDRESS FOR [NOTICE OF] FEDERAL JUDGE OR STATE JUDGE AND SPOUSE [STATUS]. (a) In this section, "federal judge" and "state judge" have the meanings assigned by Section 13.0021.

    (b) On a person's qualification for office as a [A] federal judge or [, a] state judge, [or the spouse of a federal judge or state judge who is registered to vote may at any time submit to] the registrar of the county in which the judge resides shall omit from the registration list the residence address of the judge and the spouse of the judge [an affidavit stating that the voter is a federal judge or state judge or the spouse of a federal judge or state judge].

    SECTION 12. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.267 to read as follows:

    Sec. 1701.267. TRAINING PROGRAM FOR COURT SECURITY OFFICERS. (a) The commission, in consultation with the Office of Court Administration of the Texas Judicial System, shall develop a model court security curriculum for court security officers, as required by Chapter 158, Government Code, and provide the curriculum to any training program the commission approves to provide training to court security officers.

    (b) The commission shall issue a certificate to each court security officer who completes the training program under this section.

SECTION 13.   Section 11.008, Property Code, is amended by adding Subsection (j) to read as follows:

(j)   The county clerk shall omit or redact from all public records in the county the social security number, driver's license number, and residence address of a federal judge, state judge, or spouse of a federal or state judge on the judge's qualification for office.

SECTION 14.   Section 25.025(b), Tax Code, is amended to read as follows:

(b)   Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if:

(1)   the information identifies the home address of a named individual to whom this section applies; and

(2)   the individual:

(A)   chooses to restrict public access to the information on the form prescribed for that purpose by the comptroller under Section 5.07; or

(B)   is a federal or state judge or the spouse of a federal or state judge, beginning on the date the judge qualifies for the judge's office.

SECTION 15.   Section 521.121(c), Transportation Code, is amended to read as follows:

(c)   On a license holder's qualification for office as a federal or state judge, the [The] department shall establish a procedure [for a federal judge, a state judge, or the spouse of a federal or state judge] to omit the [license holder's] residence address of the judge and the spouse of the judge on the license holder's license and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or state judge. [In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, a state judge, or the spouse of a federal or state judge.]

SECTION 16.   (a) Not later than January 1, 2018, the Department of Public Safety, the Texas Ethics Commission, each county clerk, each registrar, and any other county official responsible for county records shall establish the policies and procedures necessary to comply with the changes in law made by this Act.

(b)   As soon as practicable after the effective date of this Act:

(1)   the Office of Court Administration of the Texas Judicial System shall establish the judicial security division; and

(2)   each judge required to establish a court security committee under this Act shall establish the committee.

SECTION 17.   This Act takes effect September 1, 2017.