

SUBJECT: Increasing the Judicial and Court Personnel Training Fund

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 5 ayes — Thompson, Hartnett, Capelo, Hinojosa, Uresti

0 nays

4 absent — Deshotel, Garcia, Shields, Jim Solis

WITNESSES: For — Judge Michael O’Neal and Judge Stella Ortiz Kyle, Texas Municipal Courts Association; Bree Buchanan, Texas Council on Family Violence; Suzanna Donovan, Texas Criminal Defense Lawyers Association; Jay Johnson, Constitutional County Judges Education Committee; Lynn Nabers, Alliance for Judicial Funding; Shannon Noble, Texas Care for Children; Julie Oliver; Judge Sandy Prindle, Justices of the Peace and Constables Association of Texas

Against — None

On — Chief Judge Michael J. McCormick, Texas Court of Criminal Appeals

BACKGROUND: Money from the Judicial and Court Personnel Training Fund is used for the continuing legal education of judges and court personnel and is administered by the Court of Criminal Appeals. Cities and counties assess an additional \$1 court cost on conviction for most criminal offenses, including cases in which probation or deferred adjudication is granted or in which final disposition is deferred. The fee does not apply to convictions for violation of laws that regulate pedestrians or the parking of motor vehicles. Cities and counties retain 10 percent of the fees collected to defray the costs of continuing legal education, and the remainder is used to pay administrative costs of the Court of Criminal Appeals.

DIGEST: HB 2705 would amend the Government Code by raising to \$2 the allowable fee charged as a court cost to support the Judicial and Court Personnel Training Fund.

The bill also would add full-time family law associate judges, masters, magistrates, and associate judges in certain counties to the list of those whose continuing legal education could be paid for by the Judicial and Court Personnel Training Fund.

This bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

HB 2705 would improve the quality and availability of the continuing legal education received by judges and court personnel. The Judicial and Court Personnel Training Fund is used not only by judges and prosecutors but by nonprofit criminal defense organizations who represent the indigent. The bill would improve access to continuing education in such needed areas as post-conviction appellate procedures. With more funds available for continuing legal training, the administration of justice would be improved.

The inclusion of family law associate judges, magistrates, referees, and related associate judges would increase the level of training for these officials in domestic violence cases. Current law does not require these officials to receive training in family violence law and procedures.

Because the increase in court-cost fees would pay for the additional training, HB 2705 would have no fiscal impact on state or local government.

**OPPONENTS
SAY:**

Court fines should be based on the court's necessary administrative costs. The extra dollar charge would be yet another state levy with no substantial connection to costs. Therefore, a 100 percent increase in this charge is not justified.

NOTES:

A similar bill, SB 1187 by Armbrister, relating to continuing legal education requirements for associate judges and related personnel, passed the Senate on April 29 and was referred to the House Judicial Affairs Committee.