

SUBJECT: Educational requirements for certain justices of the peace

COMMITTEE: Judicial Affairs — favorable, without amendment

VOTE: 7 ayes — Thompson, Capelo, Deshotel, Garcia, Hinojosa, Talton, Uresti
0 nays
2 absent — Hartnett, Solis

SENATE VOTE: On final passage, February 20 — voice vote

WITNESSES: For — Judge Patricia Ott, Justices of the Peace & Constables Association of Texas, Inc.
Against — None

BACKGROUND: Under Government Code, sec. 27.005, Justices of the Peace (JPs) who are not licensed attorneys may be removed from office for incompetency. Incompetency is defined as the failure to successfully complete within one year after the date of election, a 40-hour course in the performance of duties and a 20-hour course each year thereafter at an accredited state-supported school of higher education.

DIGEST: SB 495 would require all JPs to complete an 80-hour course in their first year and a 20-hour course each following year. Otherwise, they would be considered incompetent for purposes of removal under Local Government Code, ch. 87, which provides for removal of county officers.

SB 495 would apply only to a JP first elected on or after the effective date of September 1, 2001.

SUPPORTERS SAY: SB 495 would better prepare JPs for their duties. During the 1960s, the Legislature required newly-elected JPs to complete 40 hours of education. Since then, the magisterial duties of JPs have increased and become more complex. JPs are expected to be better educated in matters presented in court. Civil and criminal areas of law have expanded over the past years. JPs

now also preside over family violence protective orders, criminal bond issues, juvenile warnings in criminal cases, and inquest duties.

The bill would provide additional needed training time for new JPs. The current requirement of a 40-hour course only allows for an overview of topics that deserve more attention. Increasing the training requirement to an 80-hour course would allow the JP training center to provide greater depth of training on important issues such as cultural sensitivity and family violence. The course requirement would not apply to tenured judges because they already have sufficient experience.

An 80-hour course would not be burdensome because JPs would have an entire year to complete the course. The first 20 hours would cover topics such as due process and basics of the judicial system. The next 40 hours would cover criminal and civil jurisdiction. Finally, the remaining 20 hours could be dedicated to newer topics such as changes in family violence laws. Newly- elected JPs are allowed to begin their training before they officially sit on the bench if they would like to get a head start. The Texas Justice Court Training Center currently provides an 80-hour program for newly elected JPs on a voluntary basis, and most JPs participate. JPs voluntarily run for office, so they should be expected to comply with the requirements of office.

The 80-hour course requirement would apply to all new JPs, including those who are licensed attorneys. JPs cover two types of courts: small claims court and justice courts. Two similar cases could be filed in each court and different court rules would apply to each case. Even attorneys get confused as to which rules apply in which court.

The bill would not require additional funding. The recent increase in court fees for judicial training would cover the funding for the additional hours. County commissioners courts also are required to pay for the educational expenses of a precinct officer related to the officer's official duties between the general election and the beginning of the term of office.

OPPONENTS No apparent opposition.
SAY: