

SUBJECT: Allowing use of court building security funds for administrative courts

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 6 ayes — W. Smith, Bolton, Harless, Heflin, Leibowitz, T. Smith
0 nays
3 absent — Naishtat, Coleman, Farabee

WITNESSES: For — Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify*: Mark Mendez, Tarrant County Commissioners Court)
Against — None
On — Rob Hofmann, Carl Reynolds, Office of Court Administration/Texas Judicial Council; Alicia Key, Office of the Attorney General

BACKGROUND: Code of Criminal Procedure, sec. 102.017 allows county, district, and justice courts to levy a fee from convicted defendants to pay for court security costs. The funds collected for a county, district, or justice court must be deposited into a courthouse security fund, which may be used only for security personnel, services, and items necessary for operating the court.

DIGEST: HB 1380 would specify that courthouse security funds collected under Code of Criminal Procedure, sec. 102.017 also could be used to provide security for administrative courts presided over by associate judges, masters, magistrates, referees, hearing officers, criminal law magistrate court judges, and masters in chancery. The bill also would require local administrative judges serving those courts to report security incidents to the Office of Court Administration within three business days after an incident occurred.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: HB 1380 would enable counties to draw upon existing courthouse security funds to protect the administrative courts currently under their jurisdiction.

Judges working in administrative courts are appointed county officials and should be afforded the same protections other county employees and elected officials receive. While many counties host administrative court activities in the same buildings in which county or district courts operate, some counties house these courts outside the bounds of a security check-in site. Lack of security at these sites has led to administrative courts having the highest incident rates of any courts operating in the state. Further, in some small counties where security infrastructure is in place, available funding currently cannot be used to pay bailiffs or to have law enforcement operate existing equipment, such as metal detectors, on behalf of administrative courts. This has led to a low rate of weapon reporting at these sites, despite high incident rates.

HB 1380 would have no significant fiscal impact on the state and would not represent an unfunded mandate on counties. This bill would allow a county to allocate available courthouse security funds to protect its administrative courts, but the decision would be left to the discretion of each commissioners court. While some counties might prefer using surplus courthouse security fund revenues for unrelated expenditures, existing law requires that courthouse fees be used only to support courthouse security measures.

The bill also would ensure that the state had accurate information about security incidents taking place in courtrooms. Currently, courts and local law enforcement do not report administrative courthouse incidents. Instead, the Office of Court Administration depends on an annual survey of administrative judges to collect incident information. By requiring administrative judges to file a report within three days of an incident, the state could obtain real-time incident data and identify best practices for ensuring courthouse safety.

OPPONENTS
SAY:

Court fees do not create an inexhaustible revenue stream for courthouse security funds. Allowing the use of security funds for administrative court security could further stretch an already inadequate pool of funding, especially in smaller counties.

OTHER
OPPONENTS
SAY:

Some counties have accrued significant unexpended balances in courthouse security funds because of mandatory minimum court fees levied on convicted defendants. In addition to providing security for administrative courts, counties should be authorized to allocate

unexpended balances for other courthouse expenses, such as technology upgrades and roofing maintenance.

NOTES:

A related bill, HB 3549 by Haggerty, heard and left pending in the County Affairs Committee on April 4, would raise the fees courts could levy for courthouse security funds.