

- SUBJECT:** Expanding allowed uses of justice court technology funds
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White
- 0 nays
- SENATE VOTE:** On final passage, April 25 — 28-2 (Hall, Zaffirini)
- WITNESSES:** *On House companion bill, HB 1805:*
- For — John Barton, Justices of the Peace and Constables Association of Texas; (*Registered, but did not testify:* Cary Roberts, County and District Clerks' Association of Texas; Jim Allison, County Judges and Commissioners Association of Texas; Nicholas Chu, Bobby Gutierrez, and Lynn Holt, Justices of the Peace and Constables Association; Kelsey Bernstein, Texas Association of Counties; John Dahill and Windy Johnson, Texas Conference of Urban Counties; Guy Herman, Travis County Probate Court and Presiding Statutory Probate Judge of Texas; Sasha Moreno; Katina Whitfield)
- Against — None
- On — Bronson Tucker, Texas Justice Court Training Center
- BACKGROUND:** Code of Criminal Procedure art. 102.0173 requires the commissioners court of a county to create a justice court technology fund. Defendants convicted of misdemeanor offenses in justice court must pay a \$4 justice court technology fee as a cost of court for deposit in the fund.
- A justice court technology fund may be used only for certain purposes, including to finance the cost of purchasing and maintaining information technology equipment and the cost of education and training for justice court judges and clerks. Certain counties also may use such funds to assist county departments with technological enhancements if the enhancement

directly relates to the operation or efficiency of the justice court.

DIGEST: SB 1840 would rename justice court technology funds to justice court assistance and technology funds and would expand the authorized uses of such funds.

The bill would allow the use of such funds to finance the cost of providing court personnel, including salaries and benefits. Funds also could be used to finance the cost of continuing education and training for justice court personnel, rather than only for justice court clerks. The bill also would eliminate the specification that any provided education or training would have to be related to technological enhancements for justice courts.

SB 1840 would allow a justice court in any county, regardless of population or location and with the approval of the county's commissioners court, to use a justice court assistance and technology fund to assist a constable's office or other county department with the purchase and maintenance of technological enhancements, if the enhancement were related to the operation or efficiency of a justice court.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: SB 1840 would give judges another funding source to use in hiring additional staff, which would provide smaller counties with greater flexibility in handling their limited financial resources. Courts need additional staff, in addition to up-to-date technology, to alleviate increasing workloads.

The bill would be unlikely to lead to county commissioners courts relying on the fund as the primary funding for court personnel. If such problems arose, they could be addressed in future legislation.

OPPONENTS SAY: SB 1840 lacks an adequate safeguard to prevent county commissioners from relying on justice court assistance and technology funds as a permanent funding source for court personnel, which could result in insufficient investment in technology. Court personnel should be paid out

of the county budget and the technology fund should be preserved for its purpose of committing courts to invest in new technology.