

Art. 102.017. COURT COSTS; COURTHOUSE SECURITY FUND; MUNICIPAL COURT BUILDING SECURITY FUND; JUSTICE COURT BUILDING SECURITY FUND. (a) A ^{\$10.00} defendant convicted of a felony offense in a district court shall pay a \$5 security fee as a cost of court.

(b) A defendant convicted of a misdemeanor offense in a county court, county court at law, or district court shall pay a ^{\$3 fee} \$3 security fee as a cost of court. A defendant convicted of a misdemeanor offense in a justice court shall pay a ^{\$5 fee} \$4 security fee as a cost of court. The governing body of a municipality by ordinance may create a municipal court building security fund and may require a defendant convicted of a misdemeanor offense in a municipal court to pay a ^{\$3.00 fee} \$3 security fee as a cost of court.

(c) In this article, a person is considered convicted if:

- (1) a sentence is imposed on the person;
- (2) the person receives community supervision, including deferred adjudication; or
- (3) the court defers final disposition of the person's case.

(d) Except as provided by Subsection (d-2), the clerks of the respective courts shall collect the costs and pay them to the county or municipal treasurer, as appropriate, or to any other official who discharges the duties commonly delegated to the county or municipal treasurer, as appropriate, for deposit in a fund to be known as the courthouse security fund or a fund to be known as the municipal court building security fund, as appropriate. Money deposited in a courthouse security fund may be used only for security personnel, services, and items related to buildings that house the operations of district, county, or justice courts, and money deposited in a municipal court building security fund may be used only for security personnel, services, and items related to buildings that house the operations of municipal courts. For purposes of this subsection, operations of a district, county, or justice court include the activities of associate judges, masters, magistrates, referees, hearing officers, criminal law magistrate court judges, and masters in chancery appointed under:

- (1) Section 61.311, Alcoholic Beverage Code;
- (2) Section 51.04(g) or Chapter 201, Family Code;
- (3) Section 574.0085, Health and Safety Code;
- (4) Section 33.71, Tax Code;
- (5) Chapter 54A, Government Code; or
- (6) Rule 171, Texas Rules of Civil Procedure.

(d-1) For purposes of this article, the term "security personnel, services, and items" includes:

- (1) the purchase or repair of X-ray machines and conveying systems;
- (2) handheld metal detectors;
- (3) walkthrough metal detectors;
- (4) identification cards and systems;
- (5) electronic locking and surveillance equipment;
- (6) video teleconferencing systems;
- (7) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- (8) signage;
- (9) confiscated weapon inventory and tracking systems;
- (10) locks, chains, alarms, or similar security devices;
- (11) the purchase or repair of bullet-proof glass;
- (12) continuing education on security issues for court personnel and security personnel; and
- (13) warrant officers and related equipment.

(d-2)(1) This subsection applies only to a justice court located in a county in which one or more justice courts are located in a building that is not the county courthouse.

(2) The county treasurer shall deposit one-fourth of the cost of court collected under Subsection (b) in a justice court described by Subdivision (1) into a fund to be known as the justice court building security fund. A fund designated by this subsection may be used only for the purpose of providing security personnel, services, and items for a justice court located in a building that is not the county courthouse.

(e) The courthouse security fund and the justice court building security fund shall be administered by or under the direction of the commissioners court. The municipal court building fund shall be administered by or under the direction of the governing body of the municipality.

(f) The sheriff, constable, or other law enforcement agency or entity that provides security for a court 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, constable, agency, or entity provides security not later than the third business day after the date the incident occurred. A copy of the report must be provided to the presiding judge of the court in which the incident occurred. The report is confidential and exempt from disclosure under Chapter 552, Government Code.

Added by Acts 1993, 73rd Leg., ch. 818, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 764, Sec. 2, eff. Aug. 28, 1995;

Subsecs. (a), (b), (d) amended by Acts 1997, 75th Leg., ch. 12, Sec. 1, eff. Sept. 1, 1997; Subsec. (d) amended by Acts 1999, 76th Leg., ch. 110, Sec. 1, eff. May 17, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 83 (S.B. 550), Sec. 2, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1087 (H.B. 1934), Sec. 1, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1087 (H.B. 1934), Sec. 2, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 221 (H.B. 1380), Sec. 1, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 664 (S.B. 1521), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1031 (H.B. 2847), Sec. 7, eff. September 1, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 6.07, eff. January 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 3.012, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 190 (S.B. 42), Sec. 2, eff. September 1, 2017.

S.B. 42

Subject: Security of Courts and Judges; Judge Kocurek Judicial and Courthouse Security Act Effective: September 1, 2017

The assassination attempt against Travis County District Judge Julie Kocurek in the fall of 2015 underscored the urgent need to evaluate the state's court security policies. Shortly after this incident, the Office of Court Administration sent a court security survey to judges in the state. This survey revealed that nearly two-thirds of judges do not know of, or do not have, a court security plan; more than 30 percent of judges were aware of a security incident in the year prior to completing the survey; nearly two-thirds of judges reported that no court security training has been provided in their courthouse; and nearly two-thirds of judges are unaware of existing statutory security incident reporting requirements. Accordingly, the Texas Judicial Council established a Court Security Committee. This committee found serious deficiencies in the state's security posture, including a lack of court security best practices, training, and funding.

S.B. 42, named the Judge Julie Kocurek Judicial and Courthouse Security Act of 2017, implements recommendations from the Court Security Committee, including creating the position of Director of Security and Emergency Preparedness at the Office of Court Administration, establishing local court security committees, requiring court security training of judges and court personnel, adding a \$5 filing fee in civil cases (and directing the comptroller to credit such fees received to the Judicial and Court Personnel Training Fund), and facilitating removal of judges' personal information from public documents. These changes would improve court safety for judges, employees, and citizens of Texas.

Comment: The 2015 shooting of Judge Julie Kocurek was not only shocking in its audacity but also made world-wide news. Judge Kocurek, a former prosecutor and sitting district court judge, was ambushed in her driveway while returning home with family from a high school football game. Three men were ultimately indicted in the conspiracy, one of which had been set to appear before Judge Kocurek on criminal charges. Most surprising, however, was that Judge Kocurek had not been informed of a death threat against her that was previously known by law enforcement. S.B. 42 attempts to address these and other issues affecting judges across the state.

Section by Section Analysis

Section 2: Required Reporting of Security Incidents

The Office of Court Administration has collected data related to court security incidents since 2007. At that time it was found that there were more than 4,200 security incidents in a one-year period, and nearly 40% of the state's courtrooms had no security resources other than a security officer. The security incident report, to be sent to the Office of Court Administration within three days of the

incident, is not new. The amended Article 102.017 of the Code of Criminal Procedure, however, places the obligation on the agency or entity that provides security for a court to report a security incident not only to the Office of Court Administration, but also to the presiding judge of the court in which the incident occurred. This directly addresses the fact that previously, in Travis County as elsewhere, judges were not being made aware of potential threats to the court.

Sections 3-4, 9: Court Security Committee

S.B. 42 adds Section 29.014 to the Government Code chapter outlining general provisions for municipal courts and Section 30.00007 to the Government Code chapter for municipal courts of record. This section creates a new requirement that the presiding municipal judge establish a court security committee within the city. The committee, chaired by the presiding judge, is meant to establish policies and procedures necessary to provide adequate court security. Importantly, the bill takes the guesswork out of the committee's composition. In addition to the presiding judge, the committee is required to include a representative of the agency or entity that provides primary security for the court, a representative of the city, and any other person that the committee determines will be of assistance. S.B. 42 also requires that the county create a similar committee for county courts by amending Section 74.092 of the Government Code designating the local administrative district judge as the party responsible for forming the committee.

Many judges and clerks have questioned how to begin the process. S.B. 42 provides a framework to help courts begin developing a process to address court security. *There is no requirement that the committee meet more than once, but it would be beneficial for courts to embrace the opportunity to bring court stakeholders together to periodically and consistently reevaluate the security of the court and its users.*

Sections 5-7: New Civil Filing Fee

Section 5 amends Chapter 51 of the Government Code by adding Subchapter N, creating a new civil filing fee. The Judicial and Court Personnel Training Fee is a new \$5 fee collected on the filing of any civil action requiring a fee. The fee, will be deposited into the Judicial and Court Personnel Training Fund. This is an account provides funds for continuing judicial education for judges and court personnel. This account partially funds many of the state's judicial education entities, including TAC.

Section 6 amends Section 56.003 of the Government Code by adding Subsection (h). This directs the Court of Criminal Appeals to grant legal funds to statewide professional associations and other entities that provide court security training.

Section 7 amends Section 56.004(b) of the Government Code, requiring the Legislature to appropriate funds from the Judicial and Court Personnel Training Fund to the Court of Criminal Appeals specifically for training individuals responsible for providing court security.

Section 8: Creation of the Office of Court Administration Judicial Security Division

This is a fairly large change to the organization of statewide court security continuing education, and potentially could have ripple effects in the court education community that may not have been foreseen. S.B. 42 creates an entirely new division, as specified in Chapter 72 of the Government Code, within the Office of Court Administration. This division is required to provide a central depository of resources, expert opinions, and training on court security. This Judicial Security Division will be overseen by a director who is also responsible for implementing the process to withhold personal information of judges and their spouses in the public records. Courts across the state are no doubt interested in the resources that it will provide.

Sections 15, 24: Required Court Security Officer Training

Court security officers are essential to the safety of both court personnel and court users. One survey conducted by the Texas Attorney General found that most respondents were concerned simply by the perceived risk of potential violence due to overcrowded courtrooms and the absence of police officers.

Section 15 amends the Government Code to add Chapter 158 (Court Security Officers). In a nutshell, this chapter requires that *a person may not serve as a court security officer unless that person holds a court security certification*. Court security officer is broadly defined to mean a deputy/bailiff or other person assigned to provide court security. Beginning September 1, *court security officers have one year to complete the certification from the time they first begin to provide court security (Officers already serving in that capacity on September 1, 2017 have until before September 1, 2019 to complete the certification)*.

This requirement will likely be a challenge for courts, whether large or small. For large courts, the sheer number of individuals performing court security could make meeting this requirement expensive and time consuming. For smaller courts that may borrow from the pool of available deputies with the Sheriff's Department on a court day, the pool may become much smaller. Some courts use private security companies. Also, both large and small courts may have difficulty cycling officers through certification in such a short time frame.

How much of a challenge this will be for courts remains to be seen. The bill does not specify what the certification entails. The current version of the court security specialist certification approved by TCOLE consists of seven courses totaling 40 hours of in-person training. Although TCOLE has provided this training there are few other providers at this time. S.B. 42 provides that TCOLE will consult with the Office of Court Administration to develop a model court security curriculum. It is possible that the curriculum will be all or part of the existing courses for the court security specialist certification, but it is also possible that it will be something else. It is unclear when that curriculum will be developed or released.

Sections 17-22, 25-26: Removal of Personal Information for Judges and Spouses

One of the most significant aspects of S.B. 42 is the protection it places on the personal information of judges and their spouses. It was not just anywhere that Judge Kocurek was shot; rather, it was in the driveway of her own home. For years, privacy and court security advocates have pointed out that public records may provide a security loophole through which disgruntled defendants may seek to take out their anger on the judiciary. S.B. 42 closes loopholes in Chapters 552 and 572 of the Government Code, Chapters 13 and 15 of the Election Code, Chapter 11 of the Property Code, and Chapter 25 of the Tax Code for a variety of public records. The bill protects personal information of judges and their spouses on the voter registration form, property records, tax appraisal records, and driver's license records. Combined with similar procedures protecting the home address for court personnel in S.B. 510, it appears that the state has taken important steps to improve court security.