



# TEXAS LEGISLATIVE STUDY GROUP

*An Official Caucus of the Texas House of Representatives*

## STEERING COMMITTEE

Chair, Rep. Garnet Coleman  
 Co-Vice Chair, Rep. Yvonne Davis  
 Co-Vice Chair, Rep. Ana Hernandez  
 Treasurer, Rep. Armando Walle  
 Secretary, Rep. Victoria Neave  
 General Counsel, Rep. Lina Ortega

Rep. Diego Bernal  
 Rep. Abel Herrero  
 Rep. Mando Martinez  
 Rep. Eddie Rodriguez  
 Rep. Toni Rose  
 Rep. Harold Dutton  
 Rep. Chris Turner  
 Rep. Rafael Anchía  
 Rep. Carl Sherman

Rep. Mary González  
 Rep. Gina Hinojosa  
 Rep. Rhetta Bowers  
 Rep. John Turner  
 Rep. Ina Minjarez  
 Rep. Sergio Muñoz  
 Rep. Alex Dominguez  
 Rep. Nicole Collier  
 Rep. Julie Johnson

Rep. Vikki Goodwin

## Representative Desk

<b>LSG Floor Report for MAJOR STATE Calendar– Wednesday, April 21, 2021</b>				
<b>Bill</b>	<b>Caption</b>	<b>Committee</b>	<b>Analysis &amp; Evaluation</b>	<b>Recommendation</b>
<b>HB 8</b>  By: Pacheco   White   Dean   Guillen   Collier	Relating to access by a hiring law enforcement agency to an applicant's employment records.	Homeland Security & Public Safety  Vote: 9 Ayes 0 Nays 0 PNV 0 Absent	<p>Significant reform is needed to address law enforcement agencies that rehire terminated officers with histories of misconduct or use of force violations. Negative hiring practices are exacerbated by local agencies' making employment records only accessible in-person and refusing to provide electronic copies. Smaller agencies do not have enough resources or personnel to travel throughout the state, thus potentially dangerous officers with poor employment histories are rehired by agencies unable to access these records.</p> <p>HB 8 authorizes the Texas Commission of Law Enforcement (TCOLE) to require that employee records are made accessible by law enforcement agencies electronically. Hiring agencies would request access to an applicant's records for hiring purposes and the releasing agency must provide them in a secure manner. TCOLE will determine the manner in which these documents will be provided.</p> <p>This bill helps law enforcement agencies improve hiring practices by removing barriers to access employment records and providing TCOLE more regulatory oversight to prevent the transferring of dangerous officers to other communities.</p>	<b>Favorable</b> Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
<b>LSG Floor Report for GENERAL STATE Calendar– Wednesday, April 21, 2021</b>				
<b>HB 1525</b>  By: Huberty	Relating to the public school finance system.	Public Education  Votes: 7 Ayes, 0 Nays, 0 PNV, 6 Absent	<p>During the last legislative session, the legislature passed HB 3, a major school finance bill that provided more money for Texas classrooms, increased teacher compensation, reduced recapture funds, and cut local property taxes. HB 1525 is a cleanup bill that makes many important revisions to HB 3 provisions that had unintended consequences, including local property taxation and revenue, charter school funding, the teacher incentive allotment, certain formula funding allotments, to name just some of the matters addressed by HB 1525.</p> <p>Local Property Taxation HB 1525 clarifies language regarding local property taxation as follows:</p> <ul style="list-style-type: none"> <li>prohibits districts from imposing a Maintenance &amp; Operation (M&amp;O) tax rate that is intended to create a surplus in order to pay off debt.</li> </ul>	<b>Favorable with Concerns</b> Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

- requires the Texas Education Agency (TEA) to conduct a multi-year analysis to determine whether districts are in violation of tax and revenue provisions and requires those districts to implement a corrective action plan.
- changes a district taxable property value to be the maximum compressed rate that does not increase the overall tax rate.
- allows the commissioner to impose sanctions on districts that do not comply with these tax and revenue provisions, including the appointment of a conservator or management team.

Recapture

HB 1525 revises provisions relating to recapture, to:

- establish that only the Foundation School Program (FSP) operation funding allocated to available school funds is not included from being used to offset the district’s local revenue in excess of entitlement.
- allow TEA to reduce state aid or recapture if it finds that a school district adopted tax rates above the rate permitted by law.
- allow TEA to go back more than one year for recapture.

Changes in Allotments and Formula Funding

Special Education (SPED) Requirements for Charter Schools are revised as follows:

The bill requires the commissioner to ensure that open enrollment charters comply with the federal special education (SPED) requirement to maintain the level of support from one year to the next. To meet that requirement, HB 1525 would:

- if necessary, increase the amount of special education (SPED) allotment to the amount of the school’s entitlement for the 2018-19 school year and
- reduce the amount of small and mid-sized district allotment by the amount of SPED allotment if applicable.

Career and Technology Education (CTE) Allotment is revised as follows:

- adjusts the formula for small and mid-size districts to the basic allotment to calculate CTE allotments.
- replace the single funding weight with a three-tiered funding weight scale for courses in the approved program of study.
- define the “approved CTE education program” as a sequence of CTE courses authorized by the State Board of Education and qualifying high school credits.
- define “approved program of study” as a course sequence approved by TEA that provides students with the knowledge and skills necessary for success in the students’ chosen career, subject to TEA approval to permit federal funding eligibility.
- remove the requirement that students be enrolled in two or more Advanced CTE classes to be eligible for the allotment.



The Fast Growth Allotment (FGA) is revised as follows:

- allows districts to be eligible if their student enrollment during the school year immediately preceding the current school year exceeds 50 students over three years
- Increasing funding weights and statewide caps each school year until reaching a final weight of .86 and a statewide cap of \$320 million after FY 2024.
- grants an eligible district an annual allotment with a funding weight of 0.86 for each student exceeding 50 students over a specified period of time.
- imposed a proportional reduction of each district’s allotment if the statewide cap is exceeded.
- provides temporary provisions set to expire September 1, 2025, for FGA transition funding
- 2021-22 FGA school year funding will be held harmless at the allotment received for the 2019-20 school year with a cap to the eligible district at \$40 million. The provision expires on September 1, 2023.

Regarding other student allotments, HB 1525:

- provides the highest compensatory education weight to homeless students as defined by federal law.
- provides funding for school safety allotment in the form of a credit against the amount of attendance credit the district is required to purchase for recapturing purposes.

Teachers and Staffing

HB 1525 makes revisions that would:

- extend designation for the Teacher Incentive Allotment (TIA) to authorize a district or charter school to designate a non- certified teacher as eligible for a TIA bonus.
- allow TIA funding to extend entitlement to the schools for the deaf and blind.
- establish that increased compensation paid to teachers using TIA funds is subject to deduction for member contribution and credit benefit in the Teacher Retirement System.
- extend the deadline for completion of early literacy training for educators to be completed by the end of 2023-24 school year and permit new hires to be trained in early literacy by the end of the first year instead of before placement.

Concerns - What is in HB 1525

**Section 3 removes the requirement that a teacher be certified** to be eligible for the ratings that can bring them bonuses from the Teacher Incentive Allotment. Teacher certification is a foundational teacher quality principle, and this provision could compromise the integrity of the profession while Texas is already experiencing a shortage of qualified teachers. Section 21 of the bill would provide additional funding bonuses to wealthy districts on top of benefits that only the wealthy districts already receive, increasing inequity. Contact us for a more detailed description of these bonuses.

Relating to local revenue and taxation, HB 1525 does not specify how many years back the commissioner and TEA could go to address violations and impose sanctions.

OK for Distribution – Rep Garnet Coleman



			<p>Regarding recapture, there is concern that the bill would allow TEA could go back 1 year to require some district to pay for two years based on the timing of available report data that may not be available at the time of the election.</p> <p>Relating to the definition of CTE courses HB 1525 does not specify if funding will be based on the district's classification of level 1-4 or the state's classification which may lead to some districts to not receive full funds based on their CTE course classifications.</p> <p>Concerns – What is not in HB 1525  <b>Special Education</b> is currently funded based on the instructional arrangement (mainstream, separate classroom, separate campus, etc.) in which the student is placed, However, that arrangement does not reflect the actual costs of providing educational services to special needs students. Advocates were assured the issue would be studied and a more appropriate method of funding would be considered this session. HB 1525 does nothing to improve special education funding.</p> <p><b>Bilingual Education weights</b> are currently funded at only 10% more than the cost of a regular education program although numerous studies demonstrate the need for more funding for programs that effectively educate English Language Learners (ELL). HB 1525 is silent on bilingual education funding.</p> <p><b>The Transition Grant.</b> When the hold-harmless for wealthy districts called “ASATR” was established in 2006, it was supposed to be a bridge for only a few years as those districts adapted to new funding levels. HB 3 replaced ASATR with a new hold-harmless provision, the Transition Grant. This grant is only set to last for 5 years, but HB 1525 provides no “exit ramp” for phasing out the Transition Grant, leaving that challenge to future legislatures.</p> <p><b>Facilities funding.</b> State aid for school facilities and the bonded debt that finances them has declined from nearly \$1.5 billion in the FY 2004-2005 biennium to about \$600 million in the current one, despite significant increases in both student population and construction costs. As a result, the state share of facilities funding has declined from about one-third to less than 4%. Local property taxpayers have had to shoulder that burden. HB 1525 is silent on facilities funding.</p>	
<p><b>HB 275</b>  By: Moody   Thompson, Senfronia   Collier   Leach   Murr</p>	<p>Relating to an application for a writ of habeas corpus based on certain relevant scientific evidence that was not available at the applicant's trial.</p>	<p>Criminal Jurisprudence  Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>Currently, a person who is incarcerated can petition for a writ of habeas corpus if new and admissible evidence were unavailable at the time of trial. The court may issue relief if the new evidence had been presented at trial and they may not have been convicted. However, there is currently no relief for new evidence that would not have changed the conviction but would have changed the punishment.</p> <p>HB 275 remedies this by expanding the court's authority to grant relief if the presented new evidence that could have led the court to order a different punishment.</p>	<p><b>Favorable</b> Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org</p>



			While HB 275 only applies to cases after December 2021, the bill would allow courts to address new complex DNA evidence or otherwise overlooked evidence and unjust sentencing, allowing avenues for prior cases that would have resulted in a lesser offense for capital and noncapital cases.	
<b>HB 3376</b> By: Meyer   Burrows   Bonnen   Thierry	Relating to the effect of a disaster on the calculation of certain tax rates and the procedure for adoption of a tax rate by a taxing unit.	Ways & Means  Vote: 7 Ayes 2 Nays 0 PNV 2 Absent	<p>Certain provisions in the Tax Code provide exemptions related to the process for increasing tax rates and determining rates based on property value to areas affected by disaster declarations. These exemptions are designed to provide relief to taxpayers and local taxing units affected by serious and devastating disasters.</p> <p>HB 3376 authorizes the governing body of taxing units located in declared disaster areas to direct a designated officer or employee to calculate the taxing unit's voter approval tax rate in the same manner as special taxing unit rates if the disaster caused physical property damage during the current tax year. The last tax year in which the designated officer or employee must continue calculating the taxing unit's voter-approval tax rate is changed from the 2nd tax year to the 1st tax year in which the total taxable value of property exceeds the value of the property on January 1st of the tax year in which the disaster occurred only if that tax year occurred earlier than the 3rd year after the year of the disaster.</p> <p>The bill excludes epidemics or pandemics from disasters that trigger the exemption by allowing governing bodies of taxing units to hold an election approving the taxing unit's adopted tax rate for the year following the disaster year if the governing body of a taxing unit other than a school district uses the exemption. The amount exceeding the taxing unit's voter approval tax rate may not be considered when calculating the taxing unit's voter-approval rate for the tax year following the year in which the rate is adopted.</p> <p>The following taxes levied and collected by a general law water district from the consolidated Tax Code provisions governing the calculation and adoption of certain tax rates in a disaster area are exempted:</p> <ul style="list-style-type: none"> <li>• Operation and maintenance (M&amp;O) taxes</li> <li>• Property taxes allocated to the payment of district-issued principal of bonds and their interest</li> <li>• Taxes for payments made under applicable district contracts</li> </ul> <p>Concerns about this proposal are related to excluding pandemics and epidemics from suspending voter approval elections. Maintaining this ability for pandemic/epidemic disasters is important to ensuring taxpayers are not put at risk due to providing property tax relief during times of high unemployment. Though the legislation was initially developed to provide aid for natural disasters, the devastating impact of the COVID-19 pandemic highlights the need for relief beyond situations where property is damaged. Amendments should be added allowing certain taxing units to utilize these disaster provisions for a pandemic or epidemic if areas meet certain requirements that could be related to unemployment percentages or infection rates.</p>	<b>Unfavorable</b> Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
<b>HB 1002</b> By: Lucio III   Johnson, Jarvis	Relating to the use of hypnotically induced	Criminal Jurisprudence  Vote: 8 Ayes,	Since World War II, hypnosis has been a forensic tool used by law enforcement and intelligence agencies with a mixed scientific review. Factors such as subject ability to hypnosis and memory gaps being unconsciously filled with fabricated, misinterpreted, or distorted information are often not weighed during testimony.	<b>Favorable</b> Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org



	testimony in a criminal trial.	0 Nays, 0 PNV, 1 Absent	<p>In light of new technological advances, the Texas Department of Public Safety suspended its hypnosis program in the 1980s. The Texas Commission on Law Enforcement allows peace officers to obtain a forensic hypnosis certificate if they can “plant memories” effectively. Since the 1970s, 11 Texans have been executed based on evidence based on hypnosis, out of 54 Texans that have been convicted based on hypnosis. Another 5 convictions were reversed and 4 remain on death row.</p> <p>HB 1002 prohibits hypnosis testimony from being used during trials to reduce practices that are not evidence-based forensic science within the state’s court systems. While the bill does not apply to previous cases, the hypnosis used in the original trial could be disputed in the interest of justice upon the finding of new evidence.</p>	
<b>HB 1293</b>  By: Smithee   Collier	Relating to the authority of a court to grant a motion for a new trial in certain criminal cases.	Criminal Jurisprudence  Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>The Timothy Cole Act implemented processes for a motion for a new trial (MNT) to protect defendants' rights from wrongful or inappropriate convictions. Currently, MNTs are granted under specific factual considerations limited to constitutional or similar grounds in trial records after appeals have been exhausted. Regardless of state prosecutorial and trial court agreements, defendants are often denied relief from incarceration due to habeas denials or new evidence obtained or overlooked after conviction. District Attorneys (DAs) have limited clemency, restricting them only to issue community supervision, and they do not have grounds for defendants wrongfully or harshly convicted to receive an MNT quickly in the interest of justice.</p> <p>HB 1293 streamlines and expedites the time-consuming process for MNTs by permitting trial courts to work with the state on agreed-upon and late-filed new trial motions for limited defendant scenarios. The bill provides an additional ground after sentencing for expanding the 30-day MNT window if the state, trial court and defendant agree. Exclusions are maintained for those on probation and solely apply to those currently incarcerated, with all other grounds limited to the 30-day window. State attorneys are permitted to require that defendants plead guilty and waive parole eligibility or rights to appeal during MNTs.</p> <p>The bill recognizes that the state is the best authority to determine MNTs and prevent costly wrongful convictions. It allows an additional safety-valve for provides DAs the opportunity to fix potential wrongful convictions with speedy trials to save time and money, similar to several other states.</p>	<b>Favorable</b> Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org
<b>HB 252</b>  By: Moody   Collier   Leach   White   Johnson, Ann	Relating to certain sentencing procedures in a capital case.	Criminal Jurisprudence  Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	<p>The jury process determining death sentences for capital crimes operates under relative invisibility during the trial and can cause juror confusion in Texas. When considering guilt or innocence, jurors decide if the defendant deliberately and unreasonably committed a capital crime. Jurors then determine the defendant’s threat level to society and mitigating circumstances that could recommend life over death. If found guilty, the jury recommends life without parole or the death penalty to the judge for sentencing. Currently, a jury must unanimously decide upon the death penalty, while life without parole requires at least ten jurors.</p> <p>HB 252 removes the condition that ten or more jurors must agree to life without parole, which automatically triggers life without parole upon the agreeance of one juror.</p>	<b>Favorable</b> Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org



			HB 252 may increase life without parole verdicts, allowing for more time to potentially exonerate any wrongful convictions and reduce Texas' astounding amount of death penalty convictions.	
<b>HB 1276</b>  By: Parker   Geren   Cain   Allison	Relating to the sale of certain food by food service establishments.	Public Health  11 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>The COVID-19 pandemic wreaked havoc on the restaurant industry. Many establishments closed or lost significant money due to the widespread virus, particularly smaller businesses, and establishments. Some restaurants were able to adapt and find alternative methods to maintain operation. However, if additional avenues were available, restaurants could access another revenue source which was the large quantities of food that could not be used due to limited or halted operation.</p> <p>HB 1276 would allow restaurants to sell non-prepared bulk food products. Specifically, a restaurant would be able to sell food products as long as the products meet the following criteria:</p> <ul style="list-style-type: none"> <li>• Appropriate labeling as outlined by the Department of State Health Services (DSHS) foodservice establishment rules.</li> <li>• Appropriate inspection and received the official mark of inspection from DSHS or the U.S. Department of Agriculture for meat and poultry products.</li> <li>• Food is properly sealed and refrigerated at 41 degrees Fahrenheit until sold or donated for products requiring refrigeration other than whole cut produce.</li> </ul> <p>HB 1276 prohibits sale for specific cases such as damaged packaging, compromised food due to inadequate refrigeration, poor product condition, or exposure to environmental contamination. As long as restaurants have a food establishment permit and comply with the provisions of the bill, HB 1276 would require them to</p> <ul style="list-style-type: none"> <li>• Require restaurants to meet food manufacturer, food wholesaler, and food warehouse operator licensing requirements or become licensed in those areas.</li> <li>• Prohibits municipalities or public health districts from creating requirements for restaurants to acquire a food manufacturer license or permit as long as they have a food establishment permit and comply with the provisions of the bill.</li> </ul> <p>Lastly, the executive commissioner of the Health and Human Services Commission would be required to adopt rules to implement the bill. HB 1276 gives restaurants the ability to consider more options to respond to limited operation.</p>	<b>Favorable</b> Evaluated by: Devan Daniel (419)566-5465 Devan@TexasLSG.org
<b>HB 295</b>  By: Murr	Relating to the provision of funding for indigent defense services.	Criminal Jurisprudence  Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>The 84th Legislature allocated funds into the Texas Indigent Defense Commission (TIDC) that provides grant funding to counties and funding from the state. Currently, TIDC does not have the authority necessary to use the funds for indigent support services. The Government Code requires time-consuming and costly paperwork to funnel funding from TIDC into counties, who then distribute them to programs, nonprofits, or entities that support indigent defense.</p> <p>HB 295 assists counties by streamlining and improving provisions of indigent defense services by including support services and direct funding through grants from TIDC. The bill maintains that the county may monitor and be assisted by law school clinics or programs, regional public defenders may receive funding for indigent defense, and adds entities or nonprofits with interlocal contracts.</p>	<b>Favorable</b> Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org



			The bill allows for the expansion of interlocal contracts by allowing authorized entities to receive direct funding to provide services. HB 295 will save on administrative expenditures and will further tailor support and services for indigent defense.	
<b>HB 1341</b> By: Leach	Relating to waivers for entrance fees to state parks for resident first responders and military service members and veterans.	Culture, Recreation, & Tourism  Votes: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	Under current Texas law, U.S. veterans with a 60% or higher service-connected disability rating can receive a Disabled Veterans Pass waiving the entry fees for state parks. Under federal law, active military veterans and Gold Star families can receive free entry to all national parks.  HB 1341 seeks to honor active military, veterans, and first responders for their service by requiring the Parks and Wildlife Commission to waive a state park entrance fee for certain first responders. HB 1341 waives fees for: <ul style="list-style-type: none"> <li>• firefighters</li> <li>• emergency medical service personnel</li> <li>• police officers</li> <li>• a sheriff, deputy sheriff, or reserve deputy sheriff</li> <li>• a constable, deputy constable, or reserve deputy constable</li> </ul> Additionally, HB 1341 makes state parkland passports eligible for active-duty members or veterans of U.S. armed services regardless of age or any service-connected disability.  This bill would have a negative fiscal impact of \$4.3 million to the State Parks GR-D account 64. This fund is used for the much-needed maintenance and improvements of state parks and historic sites. Although, HB 1341 would allow these individuals to enjoy our state parks at no cost, funding should not be taken from this GR-D account should not be negatively impacted.	<b>Will of the House</b> Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
<b>HB 978</b> By: Metcalf	Relating to authorizing the comptroller to release a reported owner's unclaimed property to the owner's crime victim in certain circumstances and payment by the Texas Department of Criminal Justice of certain amounts owed by an inmate.	Criminal Jurisprudence  Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Unclaimed property is under the authority of the Comptroller of Public Accounts and consists of property where the owner could not be located, requiring claimants to apply with the Comptroller's Office for retrieval. Current law does not allow unclaimed property to be released to anyone other than the owner. This can create an issue when crime victims are unable to obtain court ordered restitution from those imprisoned.  HB 978 will allow TDCJ to file a claim on behalf of the victim of the offense if there has been an order to pay restitution for the victim. HB 978 will require counties, once they receive a restitution payment from TDCJ, to forward the payment to the victim and return any extra amount to TDCJ. Additionally, the bill requires quarterly claim-related data to be sent to the Comptroller's Office to initiate the filing and obtain approval of unclaimed property claims.  HB 978 will ensure that more victims are paid what they are owed under court ordered restitution.	<b>Favorable</b> Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org

<p><b>HB 1441</b></p> <p>By: Schaefer   Thompson, Senfronia   Vasut   Cain   Sherman, Sr.</p>	<p>Relating to the state's burden of proof in certain asset forfeiture proceedings under the Code of Criminal Procedure.</p>	<p>Criminal Jurisprudence</p> <p>Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent</p>	<p>During criminal proceedings property or proceeds related to an offense are subject to seizure by peace officers. Forfeiture occurs during an additional civil proceeding in which defendants are not entitled to legal counsel. Currently, civil seizure requires proof that property was 50.1% or more likely used in the offense, and forfeiture does not require conviction of the original offense. The state allows innocent owner defense only after the property is seized and the burden of proof remains on the owner.</p> <p>HB 1441 updates language and raises the standard of proof to clear and convincing evidence for asset forfeiture. This adjustment means assets may not be forfeited if the owner did not reasonably know that the offense was likely to occur. After the offense but before the seizure, property may not be forfeited from an owner of value without reasonable belief or intentional avoidance of knowledge that the property was contraband.</p> <p>For innocent owner defense cases, the bill redirects the burden of providing clear and convincing evidence for forfeiture from the defendant to the state but maintains all existing grounds of ownership and innocence defense. The bill maintains that if the owner or holder was not a party to the offense property stolen before use in an offense, used without owner consent, or purchased with stolen money or proceeds from the stolen property may not be seized.</p> <p>There are concerns that raising the standard of proof for asset forfeiture and placing the burden of proof on the state during innocent owner defenses could make prosecution and property seizure in family violence and human trafficking cases more complicated. For substance use convictions, raising the standard of proof could alleviate convictions for truly low-level offenses if substances are too small to be weighed or valued and money seized was irrelevant to drug-related offenses.</p> <p>Traffic-related offenses use beyond a reasonable doubt standard, while asset forfeiture is held to a lower burden of proof. Often, Texans not convicted of a crime still have to go through civil asset forfeiture processes. HB 1441 will ensure assets are not forfeited without clear and convincing reasons for seizure and reduce forfeiture defaults when a property owner does not respond to the state. The bill also protects owners found innocent in a court of law from the burdensome asset forfeiture process in civil court, strengthening property rights and reducing legal costs for the state.</p>	<p><b>Favorable</b></p> <p>Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org</p>
<p><b>HB 1635</b></p> <p>By: Patterson</p>	<p>Relating to a study on first responders' workers' compensation claims by the workers' compensation research and evaluation group.</p>	<p>Business and Industry</p> <p>7 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>First responders face a substantial risk of injury and long-term impact on functionality. However, there is a limited understanding of the costs, specific treatment outcomes, and accessibility to workers' compensation. An evaluation of prior cases would elucidate any gaps or roadblocks impacting first responders' treatment and recovery from injuries sustained while on duty.</p> <p>HB 1635 directs the Texas Department of Insurance's workers' compensation research and evaluation group to study claims involving first responders. The study would analyze medical costs, return-to-work outcomes, access and utilization of care, the satisfaction of care, as well as health-related functional outcomes. The reported findings will be sent to the governor, lieutenant governor, the speaker of the house of</p>	<p><b>Favorable</b></p> <p>Evaluated by: Devan Daniel (419)566-5465 Devan@TexasLSG.org</p>



			<p>representatives, as well as the legislature. Results will be essential to improving the compensation and treatment process of first responders.</p>	
<p><b>HB 4136</b> By: Collier</p>	<p>Relating to automatic orders of nondisclosure of criminal history record information for certain misdemeanor defendants following successful completion of a period of deferred adjudication community supervision.</p>	<p>Criminal Jurisprudence  Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>Those with nonviolent misdemeanor offenses are currently ineligible for nondisclosure of their justice involvement if they have been previously convicted of or placed in deferred adjudication community supervision (DACS).</p> <p>HB 4136 expands eligibility for automatic orders of nondisclosure for individuals with nonviolent misdemeanor offenses upon completion of DACS with the stipulation that the individual may not have previously participated in DACS for anything other than a fine-only offense.</p> <p>After receiving a plea of guilty or no contest for a nonviolent misdemeanor offense, a judge could still determine it is in the best interest of public safety to defer the case without officially finding guilt by placing the defendant in DACS. Upon completion, the judge will dismiss the original case and discharge the individual from DACS. However, participation in DACS is not confidential and will remain on the individual's justice history.</p> <p>HB 4136 provides an opportunity to reduce the number of individuals turned away from employment because of nonviolent misdemeanors. The bill is a step towards addressing unemployment amongst justice involved individuals and could prevent recidivism.</p>	<p><b>Favorable</b> Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org</p>

