

City of San Antonio



Minutes Municipal Court Advisory Committee

Wednesday, May 24, 2023

1:30 PM

Council Briefing Room,
City Hall, 100 Municipal
Plaza, San Antonio, Texas
78205

The Municipal Court Advisory Committee convened a regular meeting in the Council Briefing Room in City Hall beginning at 1:32 PM. City Clerk Debbie Racca-Sittre took the Roll Call noting a quorum with the following Committee Members present:

Members Present: Melissa Cabello Havrda, *Member*
Jalen McKee-Rodriguez, *Member*
Phyllis Viagran, *Member*

Members Absent: None

Approval of Minutes

1. **Approval of the minutes from the Municipal Court Advisory Subcommittee meeting on May 26, 2022.**

Councilmember Viagran moved to Approve the May 26, 2022 Municipal Court Advisory Subcommittee meeting. Councilmember McKee-Rodriguez seconded the motion. The motion carried by the following vote:

Aye: Cabello Havrda, McKee-Rodriguez, Viagran

Briefing and Possible Action on the following items

2. **Interview and possible reappointment of Municipal Court Presiding Judge.**

Chair Cabello Havrda invited Municipal Court Judge Carla Obledo, the only applicant for the position, to provide an opening statement. Obledo provided an overview of her accomplishments

leading the Court. Committee Members interviewed Obledo.

EXECUTIVE SESSION

Chair Cabello Havrda recessed the meeting into Executive Session at 1:42 p.m. to deliberate on personnel matters and consult with the City Attorney's Office concerning personnel matters in accordance with Texas Government Code Section 551.

Chair Cabello Havrda reconvened the meeting in Open Session at 2:04 p.m. and announced that no official action was taken in Executive Session.

Councilmember Viagran recommended that Obledo meet regularly with the Committee to report on activities and coordinate with other City Departments including Animal Care Services.

Councilmember Viagran moved to Re-appoint Carla Obledo as Municipal Court Presiding Judge for a two-year term ending on May 31, 2025. Councilmember McKee-Rodriguez seconded the motion. The motion carried by the following vote:

Aye: Cabello Havrda, McKee-Rodriguez, Viagran

3. Update on State Legislation affecting municipal court. [Frederick P. Garcia, Municipal Court Clerk]

Frederick P. Garcia, Jr., Municipal Court Clerk, provided an update on various State legislative bills related to Municipal Courts including House Bill (HB) 3186 (Leach/Garcia/Morales/Shaw) and its companion bill Senate Bill (SB) 1505 (Zaffirini) which would allow local governments to adopt a youth diversion plan consisting of a wide array of youth diversion programs for children accused of certain fine only offenses in municipal court which aligned with municipal court practice.

HB 4714 (Cortez/Garcia) would allow the use of an electronic recording device to report proceedings before a municipal court of record for the City of San Antonio. HB 4714 was a part of the City's Legislative Agenda and was voted out of House Committee on Judiciary & Civil Jurisprudence and was placed on the Intent Calendar.

HB 2380 (Vasut/Cook) and companion bill SB352 (Zaffirini) would increase the amount of fines or costs discharged for each eight hours of community service performed by a defendant from \$100 to \$150 and would require a judge, in imposing a fine and costs in to credit any time the defendant was confined in jail or prison while awaiting trial toward the fine or costs, \$150 for each day of confinement, if that confinement occurred after the commission of the misdemeanor. HB 2380 was referred to Criminal Justice in Senate on May 9, 2023.

HB 4382 (Guillen) and companion bill SB 171 (Blanco) would require a court to report criminal convictions to the Texas Department of Public Safety within 14 business days after the date of final disposition. HB 4382 would require counties to report at least 90 percent of the dispositions of criminal cases within this period to be eligible for governmental planning grants. HB 4382 was referred to Criminal Justice in Senate on May 11, 2023.

HB 4622 (Leach) and companion bill SB 2041 (King) would amend the Criminal Court Proceedings to allow a court to conduct all or part of a criminal proceeding under the code by videoconference. The bill was referred to Criminal Justice in Senate on May 5, 2023.

HB 5277 (Bucy/Moody/Cain) would require magistrate court proceedings to occur in a way that was publicly accessible and would require live streaming or videoconference when personal attendance was not possible. Additionally, the bill would require certain information regarding the proceedings to be published on the court's website or at the location where the proceeding was to be held. The bill was referred to Criminal Justice in Senate on May 10, 2023.

HB 218 (Moody/Dutton/Geren/Anchia/Cain) and companion bill SB 967 (Johnson) would lower the penalty for possession of one ounce or less of marijuana to a Class C misdemeanor and require law enforcement to issue citations instead of arresting individuals as well as expungement of related records for first-time offenders. The bill was referred to State Affairs in Senate on May 11, 2023.

DISCUSSION:

Chair Cabello Havrda requested clarification on whether the diversion strategies under HB 3186 were voluntary. Garcia clarified that this bill was only for criminal cases and participation in the diversion program needed to be agreed upon by the child and the parent and the case would be dismissed under this program. This was on the governor's desk for signature.

No action was required for Item 3.

ADJOURNMENT

There being no further discussion, the meeting was adjourned at 2:21 PM.

Approved

Respectfully Submitted

Rebecca Viagran, Chairwoman

Debbie Racca-Sittre, City Clerk