

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 30, 2003**

**TO:** Honorable Joe Nixon, Chair, House Committee on Civil Practices

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB2244** by Pena (Relating to a civil action for deprivation of rights.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2244, As Introduced: a negative impact of (\$1,141,258) through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	(\$593,792)
2005	(\$547,466)
2006	(\$547,466)
2007	(\$547,466)
2008	(\$547,466)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1	Change in Number of State Employees from FY 2003
2004	(\$593,792)	9.0
2005	(\$547,466)	9.0
2006	(\$547,466)	9.0
2007	(\$547,466)	9.0
2008	(\$547,466)	9.0

**Fiscal Analysis**

The bill would amend the Civil Practice and Remedies Code relating to a civil action for deprivation of rights. The bill would broaden the type of claims which can be made against public officials for uncapped monetary and exemplary damages. Under the bill, a court may award attorney's fees, court costs and expert fees to an injured party who prevails in a civil action for the deprivation of any rights, privileges or immunities secured by the Texas Constitution or any Texas law. The bill would take effect September 1, 2003.

**Methodology**

According to the Office of the Attorney General (OAG), currently under Texas law there is no cause of action for monetary damages for a violation of a Texas constitutional right or for the violation of a

right, privilege or immunity under a Texas statute which does not specifically provide a cause of action for enforcement. Thus, the bill would meaningfully increase the number of claimants, and the type of claims which can be made against public officials. The bill would increase the workload for both the OAG's General Litigation and Law Enforcement Defense Divisions and would require additional staff to handle the increase in workload. The Office of the Attorney General estimates that together these two divisions would require four Assistant Attorneys General IV, three Assistant Attorneys General III, one Legal Assistant III, and one Legal Secretary II to handle the additional workload. Additional staff, operating costs, and one-time expenses for capital equipment would cost the state \$593,792 in fiscal year 2004. Staff and operating costs would cost the state \$547,466 in fiscal year 2005 and each year thereafter.

According to the Office of the Attorney General, the increase in litigation is likely to result in a meaningful increase in the amount of money paid out under the indemnification provisions of Chapter 104 of the Texas Civil Practice and Remedies Code. However, the possible costs to the state for awards to plaintiffs in civil actions under the bill have not been included in this estimate.

### **Local Government Impact**

As the bill would allow a new class of claims to be made against local government public officials, local government may also incur additional costs. County and city governments would incur costs both for defending possible claims against public officials and for any awards to plaintiffs made in successful claims.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

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