

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 28, 2003

TO: Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2923 by Marchant (Relating to jury service; providing a criminal penalty.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB2923, As Introduced: an impact of \$0 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	\$0
2005	\$0
2006	\$0
2007	\$0
2008	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>New Lengthy Trial Trust Fund outside Treasury</i>	Probable Savings/(Cost) from <i>New Lengthy Trial Trust Fund outside Treasury</i>
2004	\$12,420,000	(\$12,420,000)
2005	\$18,630,000	(\$18,630,000)
2006	\$18,630,000	(\$18,630,000)
2007	\$18,630,000	(\$18,630,000)
2008	\$18,630,000	(\$18,630,000)

Fiscal Analysis

The bill would amend the Government Code to: impose a civil filing fee; create a trust fund; grant spending authority; impose a criminal penalty for failure to answer a juror summons; provide for the postponement of or exemption from jury service; and provide additional juror reimbursement under certain conditions. The bill would make it a Class B misdemeanor for persons failing to answer a jury summons. The bill would limit the duration of jury service to one day unless a person was selected to serve on a jury.

The bill would create the Lengthy Trial Trust Fund (LTF), to be held by the Comptroller as a trust fund outside of the State Treasury. Money in the fund would be made available to the Office of Court Administration (OCA) for expenditure, without appropriation, to pay qualified jurors reimbursement for jury service based on the term of jury service. Because the bill would create or recreate a

dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source, the fund, account, or revenue dedication included would be subject to funds consolidation review by the current legislature. The bill would require OCA to file an annual report with the Legislative Budget Board describing collections and disbursements from the fund. The bill would give audit authority to the Comptroller and State Auditor. The bill would authorize OCA to administer the fund, and it would require the agency to promulgate rules, no later than January 1, 2004, for the operation of the program.

The bill would impose a \$20 filing fee on all civil actions or proceedings that require the payment of a filing fee. Governments, *pro se* litigants, and qualified plaintiffs and defendants would be exempt from the filing fee. Counties would remit the revenue to the Comptroller quarterly for deposit into the LTTF. At the end of each fiscal year, the Comptroller would transfer half of the unencumbered balance of the fund in excess of \$500,000 to the Judicial Fund No. 573 and the other half to the Judicial and Court Personnel Training Fund No. 540.

A qualified juror would be eligible for reimbursement of \$100 per day or fractional day from the fourth day of service through the tenth day. Reimbursement after the tenth day of service would be limited to income lost by the juror but could not exceed \$300 per day or fractional day. A qualified juror would have to submit a detailed request to the court for reimbursement.

The bill would take effect September 1, 2003.

Methodology

Comptroller revenue estimates were based on data on civil cases filed from the *Annual Report of the Texas Judicial System* and were adjusted for the effective date and quarterly remittance in fiscal year 2004. Estimated revenue totals \$12,426,000 in fiscal year 2004, \$18,630,000 in fiscal year 2005 [20 fee x 931,500 cases filed] and each fiscal year thereafter. This estimate assumes that all revenue to the fund is expended on reimbursements to eligible jurors, with no unencumbered balances going to Judicial Fund No. 573 or Judicial and Court Personnel Training Fund No. 540. This estimate anticipates that administrative costs for implementation of the bill for the Comptroller's Office and the Office of Court Administration will have no significant fiscal implication.

Local Government Impact

Implementing the provisions of Section 2 of the bill could result in a cost to counties due to the number of warrants issued for citizens who are no-shows for jury duty. There would be some revenue to counties due to the creation of a criminal penalty for the offense of failure to answer a jury summons, but the amount of the revenue would depend on whether the offender is located and whether the offender is able to pay the fine.

Under the provisions of Section 3 of the bill, counties statewide would realize savings by no longer paying qualified jurors reimbursements for jury service based upon certain terms of service. However, depending on the number and complexity of reimbursement requests, counties could incur costs to implement and maintain a system for reimbursement from the Lengthy Trial Trust Fund.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JK, JO, GO, KG, VDS, TB