

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 2, 2003

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB358 by Shapiro (Relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.), As Passed 2nd House

No fiscal implication to the State is anticipated.

The bill would authorize a county court in a county with a population of two million or more to accept original jurisdiction over cases alleging truancy or parents contributing to truancy violations. The bill would also allow the county judge, subject to approval by the commissioners court, to appoint one or more full-time magistrates to handle truancy cases. The magistrate(s) would be compensated at a rate set by the commissioners court and paid from the county's general fund. The bill would take effect September 1, 2003.

Local Government Impact

Currently, only Dallas and Harris counties have a population of two million or more. Under existing statute, truancy cases are under the jurisdiction of justice and municipal courts.

Dallas County indicated that implementation of the provisions of the bill would not have a significant fiscal impact. They based their analysis on the fiscal impact they are experiencing under a program implemented recently. Dallas County entered into an inter-local agreement in September 2002 with the Dallas Independent School District that allows municipal magistrates to hear truancy cases, reducing some of the truancy caseload in the justice courts, and consequently expediting all of the cases. The city collects the fines and court costs and shares the operational costs with the county. During the first quarter of operation, the cost of the program was \$153,000 to the county, which includes the costs for county and city staff. Revenue collected, after a required portion was remitted to the state, totaled \$105,400. The county's net cost of the arrangement for the first quarter was, therefore, \$47,600. Dallas County anticipates zero cost by the end of a full year of operation as revenue offsets costs.

Harris County indicated that provisions of the bill would have a significant negative fiscal impact if the commissioners court were to require implementation. In fiscal year 2002, there were 41,263 truancy filings in 16 justice courts in Harris County. The county anticipates that the provisions of the bill would require the county to establish a new county court to handle the truancy cases. The county estimates that initial costs for establishing a new court would be \$950,000 and operational costs would be \$1.1 million the first year. Harris County estimates that a new court would add at least \$5.5 million in costs to the county over the next five years. Because collection rates in juvenile matters are typically low, the county estimates that court fines collected would be an insignificant amount and would not be of much help in offsetting costs.

Shifting jurisdiction to a county court would create a savings in operational costs for municipal and justice courts currently handling truancy cases, although there would also be a revenue loss relating to court fines that could have been imposed in those shifted cases.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

LBB Staff: JK, SD, GO, JB, DLBa