

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 6, 2003

TO: Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1923 by Ogden (Relating to the application of the professional prosecutors law to the district attorney for the 258th Judicial District.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1923, As Introduced: a negative impact of (\$37,008) 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	(\$14,803)
2005	(\$22,205)
2006	(\$22,205)
2007	(\$22,205)
2008	(\$22,205)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from GENERAL REVENUE FUND 1
2004	(\$14,803)
2005	(\$22,205)
2006	(\$22,205)
2007	(\$22,205)
2008	(\$22,205)

Fiscal Analysis

The bill would amend Government Code, Chapter 46 relating to the application of the professional prosecutors law to the district attorney for the 258th Judicial District. The bill would take effect January 1, 2004.

Methodology

Under current law, the district attorney of the 258th Judicial District is not under the Professional Prosecutors Act (PPA). The 258th Judicial District serves Polk, San Jacinto and Trinity Counties.

A state prosecutor from the 258th Judicial District, who is not currently under the PPA, receives a salary equivalent to approximately 80 percent of that received by a state prosecutor practicing in

judicial districts that are subject to the PPA.

The current annual cost to the state for a district attorney under the PPA is \$152,800, which includes salary, benefits and a \$34,450 office expense allowance. The annual cost for a district attorney who is not under the PPA and serves a multi-county judicial jurisdiction is \$130,595, which also includes salary, benefits and a \$34,450 office expense allowance. [152,800 - \$130,595 = \$22,205.]

According to the Comptroller's Office, the district attorney's position within the 258th judicial district is currently vacant, and the position could be filled at any time by gubernatorial appointment. The bill would only apply to a person elected or appointed to the office of district attorney for the 258th Judicial District on or after January 1, 2004. The bill would not apply to a person who is elected or appointed to the office of district attorney prior to January 1, 2004. Accordingly, this estimate assumes a person is elected or appointed to the office of district attorney for the 258th Judicial District on or after January 1, 2004. Estimated amounts have been prorated for fiscal year 2004.

Local Government Impact

There would be no fiscal impact on local governments within the 258th Judicial District (Polk, San Jacinto or Trinity County).

Source Agencies: 304 Comptroller of Public Accounts

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