

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1326 by Hope (Relating to community supervision and corrections departments and to the immunity of certain judges for administrative acts in connection with those departments.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require statutory county court judges trying criminal cases in the county or counties served by a judicial district to participate with the judicial district judges in the establishment of the Community Supervision and Corrections Department (CSCD) and approval of the department's budget and community justice plan. Provisions of the bill would require the Attorney General (AG) to defend a statutory county court judge in an action in state or federal court if the cause of action is the result of their performing duties related to the CSCD or if the judge requests the AG's assistance. The revised statute would specify the responsibilities of the CSCD director. In addition, the bill would authorize the State Auditor's Office (SAO) to conduct an audit of a CSCD's accounts, records, receipts, and expenditures. The bill would take effect September 1, 2005.

Under current statute, the judicial district judges alone establish the CSCD, approve the community justice plan, and are authorized to employ CSCD personnel, among other areas of involvement with the department. Current statute also states that the district judges and county court judges trying criminal cases are entitled to participate in management of the CSCD. The proposed change in statute, in addition to requiring that county court judges trying criminal cases participate with the district judges in establishing the CSCD and approving the budget and the community justice plan, would limit management of the CSCD to the director only.

Current statute authorizes audits of CSCD records by the county auditor, Comptroller of Public Accounts, and the Community Justice Assistance Division of the Texas Department of Criminal Justice, but does not include the SAO. According to the SAO, any auditing of the CSCDs would be based on the SAO's on-going risk assessment and audit planning processes, and subject to approval by the Legislative Audit Committee. Therefore, any fiscal impact would be absorbed within existing resources. It is also anticipated that if there were to be an increase in the Attorney General's caseload as a result of implementation of the bill, the workload could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated as a result of the proposed administrative changes.

Source Agencies: 308 State Auditor's Office

LBB Staff: JOB, KJG, DLBa