

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

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 9, 2005**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judiciary

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

**IN RE: HB1477** by Keffer, Bill (Relating to jury service.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1477, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2007.

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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

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

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from Counties</b>	<b>Probable Savings/(Cost) from Counties</b>
2006	\$49,004,267	(\$49,004,267)
2007	\$85,658,826	(\$85,658,826)
2008	\$88,087,233	(\$88,087,233)
2009	\$93,050,698	(\$93,050,698)
2010	\$97,805,323	(\$97,805,323)

**Fiscal Analysis**

The bill would create a local Lengthy Trial Trust Fund in counties that adopt a resolution authorizing creation of the fund and the collection of a new \$15 fee for failure to answer jury summons and a new \$20 criminal court cost assessed in convictions and deferred adjudications. Participating counties would remit the collected revenue for deposit in the new trust fund. Funds would be used to reimburse qualifying jurors in amounts set at the participating counties' discretion, based upon revenue to the new trust fund.

The bill would authorize participating counties to contract with the Department of Public Safety (DPS) to assess a new \$15 fee against or deny renewal of the drivers license of a person who does not comply with a jury summons. DPS would be authorized to deny a person's drivers license renewal until the fee is paid and would be required to remit fees collected to counties for deposit in the new trust fund on a monthly basis. Although the DPS would incur new expenses for tracking persons

failing to answer summons, and collecting and remitting fees to counties, this estimate assumes the costs could be absorbed within the department's existing resources.

## **Methodology**

Because counties would have the discretion to create a local Lengthy Trial Trust Fund, the revenue to counties statewide may only be estimated. However, if 100 percent of counties participated, revenue to local accounts statewide could be as much as \$131.7 million in the 2006-07 biennium, \$85.1 million in fiscal year 2008, with increases each year thereafter. This estimate is based upon the Comptroller's (CPA) estimates of criminal court cost revenue, which are based on historical data from district, county-level, and justice courts and were adjusted for growth, indigency, and implementation. The CPA reports the filing fees for court costs for criminal cases were multiplied by the total number of filings or cases, reduced to reflect the historical non-collection rates, and adjusted for an implementation lag.

Also, the Office of Court Administration reports that as many as 200,751 jury summons go unanswered each year, which does not include jury summons returned as undeliverable. Assuming that 100 percent of counties report persons with unanswered summons to DPS each year, and that a third of those persons apply for a license renewal during each year, the collection of a \$15 fee would generate as much as \$3,011,265 in revenue to the new trust funds in 2006-07, \$3,011,265 would be collected in fiscal year 2008 and revenue would increase each year thereafter.

Finally, this estimate assumes any revenue gains to local trust funds accounts would be offset by the counties' costs of payments to qualified jurors.

## **Local Government Impact**

It is assumed that a commissioners court of a county would implement the provisions of Sections 1 and 2 of the bill only if it was financially feasible.

Revenues to a county from the implementation of a fee for failure to answer jury summons would depend on the number of noncompliant persons the county reported to the Department of Public Safety that renewed their driver's license. As noted above, this estimate assumes that 200,751 unanswered persons would be reported each year and a \$15 fee would be collected from each person.

If the commissioners court of a county votes to implement a fee for a county lengthy trial trust fund, revenues to the county would depend on the number of defendants convicted of an offense in a district court, county court, county court at law, or justice court that are able to pay the fine. As noted above, the revenue estimate assumes that 100 percent of counties would choose to implement the fee.

Implementing the provisions of Section 5 of the bill could result in a cost to counties due to the number of citizens who provide false information in a request for exemption or relief from jury service. There would be some revenue to counties from the fines assessed against citizens who are found in contempt, but the amount of the revenue would depend on whether the offender is located and whether the offender is able to pay the fine.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, LB, ZS, TB, KJG