

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

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

**April 18, 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.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1477, As Introduced: 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:**

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

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

Fiscal Year	Probable Revenue Gain/(Loss) from <i>New Lengthy Trial Trust Fund outside the State Treasury</i>	Probable Savings/(Cost) from <i>New Lengthy Trial Trust Fund outside the State Treasury</i>
2006	\$52,864,000	(\$52,864,000)
2007	\$92,127,000	(\$92,127,000)
2008	\$93,696,000	(\$93,696,000)
2009	\$95,846,000	(\$95,846,000)
2010	\$97,766,000	(\$97,766,000)

**Fiscal Analysis**

The bill would create the Lengthy Trial Trust Fund outside the State Treasury and would impose a new \$20 civil filing fee and a new \$20 criminal court cost assessed in convictions and deferred adjudications. Counties would remit the collected revenue to the Comptroller of Public Accounts (CPA) for deposit in the new trust fund.

The bill would authorize the Office of Court Administration (OCA), without legislative appropriation, to administer and disburse the trust fund collections to pay qualified jurors. The bill would authorize payments to certain jurors who have served five days for up to \$400 for each subsequent day of services. OCA indicates that additional duties to administer these provisions would be absorbed by OCA within its regular scope of duties. The bill would require OCA to file an annual report detailing revenue and expenditures of the trust fund with the Legislative Budget Board. The CPA, at the end of each fiscal year, would transfer half of the unencumbered balance in the trust fund exceeding

\$500,000 to the Judicial Fund 0573 and the other half to the Judicial and Court Personnel Training Fund 0540.

### **Methodology**

The CPA indicates revenue estimates were 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 civil cases and 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. This estimate assumes any revenue gains to the account would be offset by the costs of payments to qualified jurors.

Although the bill would require the CPA to transfer half of the unencumbered balance in excess of \$500,000 in the trust fund to Judicial Fund 0573 (Other Funds) and the other half to Judicial and Court Personnel Training Fund 0540 (Other Funds), this estimate assumes the amount of such transfers would represent minimal new revenue to those accounts.

### **Local Government Impact**

This estimate assumes that 100 percent of new revenue would be remitted to the State, and would not generate additional revenue to local government. Implementing the provisions of Section 3 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.

Under the provisions of Section 4 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:** JOB, LB, ZS, TB, KJG