

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 10, 2005

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

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

IN RE: SB1307 by Staples (Relating to the authority of the Texas Juvenile Probation Commission to issue subpoenas, administer oaths, receive evidence, and gather information.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resource Code, Subchapter C, Chapter 141, by adding Section 141.0461 to allow the Texas Juvenile Probation Commission to issue subpoenas that require witness attendance, information production, or evidence that the agency deems necessary for abuse investigations, neglect or exploitation allegations, complaints, financial and programmatic audits, and other matters under the authority of the commission. The bill would allow the chairman or commission members to sign the subpoena or administer an oath. Any peace officer, commission investigator, other commission official, or persons authorized under the Code of Criminal Procedure, Article 24.01, may serve the subpoena. Section 141.0461(d) requires the commission to pay the fees and mileage of a witness subpoenaed.

Section 141.0461(f) allows the commission to apply to the court of original jurisdiction to compel the attendance of a witness, material production, or testimony. If a witness refuses to testify without reasonable cause, the commission may apply to the district court for a rule of order directing the witness to show cause against a contempt of court charge. If the district court determines that the witness has refused without reasonable cause, the witness would be ordered to bring or produce the information in question or they would be charged with contempt of court. Section 141.0461(g) allows the commission to delegate the authority provided by this section to the executive director of the agency.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 665 Juvenile Probation Commission

LBB Staff: JOB, KJG, VDS, LG