

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 6, 2005

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

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

IN RE: SB1424 by Gallegos (Relating to filing fees in a civil matter in a justice court or small claims court.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would stipulate that a \$15 filing fee is required for the filing of a counterclaim in justice court and a \$10 filing fee is required for the filing of a counterclaim in small claims court. The bill would take effect September 1, 2005 and would apply only to a counterclaim filed on or after that date.

Local Government Impact

A justice or small claims court would experience an increase in revenue for each counterclaim filed in a civil matter. The fiscal impact would vary depending on how many counterclaim cases are filed, but is not anticipated to be significant. For example, there were 304,734 civil cases filed in justice courts alone in fiscal year 2004. If a counterclaim had been filed in one-fourth of those cases (76,184), the justice courts would have seen a revenue gain of \$1.1 million statewide. There are currently 828 justice courts; if evenly divided, each court would experience a gain of \$1,380 annually.

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

LBB Staff: JOB, DLBa