

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

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

**May 25, 2005**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

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

**IN RE: SB1704** by Ellis (Relating to jury service.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB1704, As Passed 2nd House: 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 Other - Jury Service Fund</i>	Probable Savings/(Cost) from <i>New Other - Jury Service Fund</i>
2006	\$19,527,750	(\$7,423,000)
2007	\$26,037,000	(\$12,981,000)
2008	\$26,558,000	(\$13,240,000)
2009	\$27,089,000	(\$13,505,000)
2010	\$27,631,000	(\$13,775,000)

**Fiscal Analysis**

The bill would amend Section 61.001 of the Government Code to change the amounts a county would pay each grand juror or petit juror in a civil or criminal case in a district court, criminal district court, county court, county court at law, or justice court. Current statute sets juror pay at not less than \$6 and not more than \$50 per day or fraction of each day of service as a juror. The bill would maintain the \$6 minimum for the first day or fraction of a day of service and would require that the pay for each day or fraction of day of service after the first day would be not less than \$40.

The bill would add Section 61.0015 to require the state to reimburse a county at a rate of \$34 for each grand juror or petit juror for each day or fraction of a day served after the first day, if the county files a claim for reimbursement to the Comptroller of Public Accounts. The Comptroller would be required, on a quarterly basis, to reimburse a county that files a claim.

The Code of Criminal Procedure would be amended to require a person convicted of any offense,

other than an offense relating to a pedestrian or the parking of a motor vehicle, to pay a \$4 fee to be used for the cost of juror services. The new fee would apply only to a defendant convicted of a criminal offense on or after September 1, 2005.

The bill would direct the Comptroller to deposit the new fee to the credit of the Jury Service Fund in the state treasury. The bill would provide that in the event unexpended balances in the Jury Service Fund exceed \$10 million, the Comptroller would transfer the amount in excess of \$10 million to the Fair Defense Account No. 5073. The bill would create or recreate a dedicated account in the state treasury and create a dedicated revenue sources. Therefore, the fund and revenue dedication included in the bill would be subject to funds consolidation review by the current Legislature.

The bill would add Section 62.0142 to the Government Code regarding the procedures related to requesting postponement of jury service and would establish that providing false information in a request for an exemption or to be excused from jury service would be subject to a fine of not less than \$100 nor more than \$1,000. The procedures would apply only to a person summoned for jury duty on or after September 1, 2005.

The requirements regarding juror pay and state reimbursement would take effect January 1, 2006. The imposition of the new court cost would take effect September 1, 2005. The other sections of the bill would take effect September 1, 2005.

## **Methodology**

The Comptroller indicates revenue estimates were based on historical data, adjusted for growth, indigence, and implementation. The court costs for criminal cases were multiplied by the total number of convictions, adjusted to reflect historical non-collection rates and an implementation lag.

The Comptroller indicates estimated costs for juror payments were based on the number of jury trials, adjusted for multi-day trials and an implementation lag.

## **Local Government Impact**

The fiscal impact would vary by county. In a county in which \$40 or more is being paid to each juror for each day or portion of a day for which the person served, if the county were to file a claim for reimbursement from the state, the county would experience a revenue gain that would significantly reduce the county's costs for juror pay; however, according to 2002 data from the Office of Court Administration, there are only four counties paying \$40 for juror service.

The majority of counties currently pay less than \$40 for juror service; therefore, an increase to \$40 for the second and subsequent days of service would result in an increase in costs. While the state reimbursement and conviction fees would offset an increase in amounts paid to jurors, because the county would have to pay jurors and then receive reimbursement, a county would experience a significant impact to the cash flow in its budget.

The tables above illustrate estimated costs and gains to the counties all totaled statewide. Examples of estimated per county impact are described below.

Tarrant County pays jurors \$6 per day for service for the first three days and \$10 per day for each day or portion of a day after the first three days. The county calls approximately 6,000 petit jurors per week, 41 weeks per year and empanels two grand juries of 12 persons each every quarter. Grand jurors work 3-1/2 days per week. Tarrant County would not experience a fiscal impact, other than that associated with cash flow. In addition, court cost collections at \$4 per conviction, would result in a revenue gain of \$6,240.

Williamson County paid \$11,292 to jurors in 2004; under provisions of the bill, the county estimates it would pay \$12,240 in juror pay the first year of implementation and would receive that same amount in revenue from the state.

Fort Bend County pays jurors \$30 per day if selected and nothing to those who respond to a juror

summons but are not selected to serve. Because the provisions of the bill would require that all potential jurors receive \$6 in payment on day one and the county would see an increase in \$10 per person per day for subsequent days of service, the county anticipates it would experience a negative fiscal impact.

Harris County estimates it would experience an increase in costs of over \$2.4 million and revenue gains of approximately \$611,000 in the first year of implementation, increasing slightly each year, reaching \$2.5 million in costs and \$648,436 in gains by fiscal year 2010.

**Source Agencies:** 304 Comptroller of Public Accounts

**LBB Staff:** JOB, ZS, TB, DLBa