

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: HB1086 by Hughes (Relating to the discharge of an alternate juror in a criminal case.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1086, As Engrossed: a negative impact of (\$1,060,800) through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$530,400)
2009	(\$530,400)
2010	(\$530,400)
2011	(\$530,400)
2012	(\$530,400)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1
2008	(\$530,400)
2009	(\$530,400)
2010	(\$530,400)
2011	(\$530,400)
2012	(\$530,400)

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to extend the amount of time before alternate jurors would be discharged from their duties. Under current statute, an alternate juror serves until the jury retires to consider a verdict. Under the provisions of the bill, an alternate juror would not be discharged until the jury renders a verdict and, if it is a guilty verdict, renders the amount of punishment.

The change in statute would apply only to a trial commenced on or after the effective date of the bill, which would be September 1, 2007.

Methodology

Jurors and alternate jurors are paid \$40 per day for their service. The state reimburses the counties \$34 of the \$40 paid to jurors and alternate jurors. There are 254 counties in Texas. Assuming an average of

two extra hours per day multiplied times six alternate jurors, the Judiciary Section of the Comptroller of Public Accounts estimates the number of days for reimbursement would increase by 1.5 days per trial. There are approximately 10,400 multiple-day trials annually. With an increase of 1.5 days for each of those 10,400 trials, there would be an additional 15,600 days at \$34 each, for a total cost to the state of \$530,400 annually.

Local Government Impact

Based on the number of jury trials spread across the 254 counties and on contacts made by both the Comptroller's Office and the Legislative Budget Board, the fiscal impact to units of local government would be insignificant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

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