

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 1, 2007

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

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

IN RE: HB3413 by Gattis (Relating to jury assembly and administration.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3413, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2009.

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
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>Jury Assembly and Administration</i> Fund
2008	\$30,000
2009	\$71,000
2010	\$71,000
2011	\$71,000
2012	\$71,000

Fiscal Analysis

The bill would amend Chapter 51 of the Government Code to create the Jury Assembly and Administration Fund in the State Treasury. Money in the fund could only be appropriated to the Secretary of State or the Supreme Court for improving jury assembly and administration. Counties would be required on a quarterly basis to submit to the Secretary of State updated information regarding voter registration.

The bill would increase the county court jury fee from \$22 to \$60, and the district court jury fee from \$30 to \$60. The bill would make jury fees nonrefundable. Revenue from the increased portion of the fees would be remitted quarterly to the Comptroller for deposit to the new fund.

The bill would amend Sections 62.102 and 62.106 (a) of the Government Code, so that a conviction for misdemeanor theft would no longer be a disqualification for petit jury service. The bill would eliminate the exemption of officers and employees of the legislative branch of state government from jury service. The bill would add Section 62.022 to the Government Code, which would grant counties the option of adopting a jury administration plan.

The bill would amend Article 102.004 (a) and (b) of the Code of Criminal Procedure to increase the jury fee in municipal and justice courts from \$3 to \$10, to increase a jury fee for two or more defendants tried jointly from \$3 to \$10, and to delete a \$3 fee for withdrawing a request for a jury less than 24 hours before trial. The bill would amend Article 19.16 of the Code of Criminal Procedure to increase fines for an absent juror to not less than \$100 nor more than \$1,000, from not less than \$10 nor more than \$100. The bill would amend Article 35.01 of the Code of Criminal Procedure to increase the fine for jurors who fail to show once called or summoned to trial to an amount not less than \$100 nor more than \$1,000, from an amount not to exceed \$50.

The bill would repeal several sections of Chapter 62 of the Government Code concerning how petit jurors are selected. The bill would repeal some of the provisions of Chapter 35 of the Code of Criminal Procedure dealing with petit jurors, including excuses and exemptions from jury service.

The bill would take effect September 1, 2007.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. Legislative policy, implemented as Government Code 403.094, consolidated special funds (except those affected by constitutional, federal, or other restrictions) into the General Revenue Fund as of August 31, 1993, and eliminated all applicable statutory revenue dedications as of August 31, 1995. Each subsequent Legislature has reviewed bills that affect funds consolidation. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Employees of all branches of state government are allowed time off for jury duty without loss of compensation. It is assumed that eliminating the exemption from jury duty of officers and employees of the legislative branch of state government would have no direct fiscal impact.

Increasing the amount of jury fees imposed and requiring the increased amount to be submitted to the Comptroller for deposit into a new account would result in an estimated revenue gain to the state of \$30,000 in fiscal year 2008 and \$71,000 in each of the subsequent four fiscal years.

Methodology

The Comptroller provided fiscal impact information based on historical data from the *Annual Statistical Report for the Texas Judiciary—Fiscal 2006*, adjusted for indigency and implementation. The increased jury fees for civil cases were multiplied by the total number of civil jury verdicts in district and county courts, reduced to reflect non-collection rates, and adjusted for an implementation lag. There could be additional state revenue, but the available data are not sufficient to make a reliable estimate of the subset of the 23,497 district court jury fees paid in fiscal 2006 and either not refunded or that an oath had been sworn in place of jury fee payment. In addition, the Office of Court Administration assumes that increasing the jury fees could result in a decrease in the number of jury cases, although because any decrease in jury cases is unknown, that was not taken into account when calculating estimates for this analysis.

Local Government Impact

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

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

LBB Staff: JOB, MN, ZS, DB