

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 15, 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.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 62 of the Government Code to increase the jury fees for civil cases in county and district courts. The bill would add Section 62.022 to the Government Code, which would give counties the option of adopting a jury administration plan.

The bill would also amend Section 51.604 (a) of the Government Code to increase the county court jury fee from \$22 to \$60 and the district court jury fee from \$30 to \$60.

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 from not less than \$10 nor more than \$100, to not less than \$100 nor more than \$1,000.

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 from an amount not to exceed \$50, to an amount not less than \$100 nor more than \$1,000.

The bill would amend Section 62.102 and Section 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 also eliminate the exemption of officers and employees of the legislative branch of state government from jury service.

The bill would repeal several sections of Chapter 62 of the Government Code dealing with how petit jurors are selected, which would include provisions relating to juries including the use of the jury wheel, preparing jury lists, electronic or mechanical selection of names for jury service, the use of jury lists and jury summons. The bill would also 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 on September 1, 2007.

The referenced fees are retained locally, so the increase in amounts would not have a fiscal impact on the state. 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.

Local Government Impact

The fiscal impact to local governmental entities would vary depending on the number of cases for which the fees are imposed. In addition, it is anticipated that proposed changes in jury selection and

expansion of those persons eligible to serve on a jury would have an insignificant fiscal impact.

The Office of Court Administration's (OCA) reports that statewide, there were 23,497 cases in district court in which a person paid a jury fee in fiscal year 2006. The \$30 fee increase proposed by the bill would generate additional local revenue of \$704, 910 (23,497 X \$30) annually, if the number of persons paying jury fees remains static in subsequent years and if all cases actually go to juries. However, the OCA assumes the increase in fees may reduce the number of cases for which a jury trial is requested.

Similar data is not available for jury fees paid in the county, justice, and municipal courts.

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

LBB Staff: JOB, MN, DB