

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 23, 2007**

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

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

**IN RE: SB560** by Ellis (Relating to reimbursement for jury service.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB560, As Passed 2nd House: a negative impact of (\$20,400) 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:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	(\$10,200)
2009	(\$10,200)
2010	(\$10,200)
2011	(\$10,200)
2012	(\$10,200)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from GENERAL REVENUE FUND 1</b>
2008	(\$10,200)
2009	(\$10,200)
2010	(\$10,200)
2011	(\$10,200)
2012	(\$10,200)

**Fiscal Analysis**

The bill would amend Article 56.04, Code of Criminal Procedure, to authorize a county commissioners court to approve a program through which the crime victim liaison or victim assistance coordinator may offer not more than 10 hours of post-trial psychological counseling for a person who serves as a juror or alternate jurors in certain criminal trials involving graphic evidence or testimony, if the juror makes a request for the counseling by the 180th day after the date on which the jury is dismissed. A provider may be used that assists local criminal justice agencies in providing similar services to victims. The change in law would apply only to jurors or alternate jurors serving in a criminal trial that begins on or after the effective date of the bill.

The bill would amend Chapter 61 of the Government Code to require counties to pay prospective jurors who report for jury duty.

The bill would take effect September 1, 2007.

### **Methodology**

Current law does not provide authorization for providing post-trial psychological counseling. The proposed change in law would not have a fiscal impact on the state; the fiscal impact to units of local government is discussed under the local government heading.

Current law only requires counties to make payments for jury duty or reimbursement of expenses to jurors; the bill would require these payments also be made to prospective jurors. The majority of counties, about 95 percent, are already paying prospective jurors who report for jury duty. Counties pay jurors \$6 for the first day, and \$40 each day thereafter, with the state reimbursing the counties \$34 for each juror. The Judiciary Section of the Comptroller's Office would require an increased appropriation to reimburse the other 5 percent of counties as required by Section 61.015 of the Government Code.

### **Local Government Impact**

The fiscal impact resulting from the proposed change to the Code of Criminal Procedure would vary by county that would choose to establish the program, depending on how many such trials are held, how many of the jurors or alternate jurors may request counseling, and what counseling services are available in the area and what charges those services impose.

Two of the largest counties provided fiscal impact data regarding the provisions of the bill. Harris County estimates that there would be between 40 and 70 trials annually for the types of offenses to which the bill would apply. If all of the jurors in each trial requested and were provided the counseling at a cost of between \$75 and \$90 per hour, the county would incur annual costs of between \$360,000 and \$760,000, increasing by 3 percent for inflation each year. Bexar County assumed half of the eligible jurors and alternates would request and be provided counseling at a cost of \$90 per hour per person, for a total cost to the county of \$465,750.

It is assumed a county commissioners court would establish the program only if the costs could be absorbed within the county's budget for the crime victim liaison or victim assistance coordinator.

Regarding the proposed change to the Government Code, in those counties in which payments are already made to prospective jurors, there would be no fiscal impact. The impact in counties in which prospective jurors are not currently paid would vary, depending on the number of prospective jurors reporting to a summons and the number of jurors responding to a court process for more than one day. The cost to the county after reimbursement from the state for the second day of attendance would be \$6 per prospective juror per day.

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

**LBB Staff:** JOB, MN, ZS, DB, TB