

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 21, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

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

**IN RE: HB1069** by Flynn (Relating to service of process in this state.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the Civil Practice and Remedies Code, the Business Corporation Act, the Business Organizations Code, and the Code of Criminal Procedure to permit anyone who is at least 18 years old, and is not a party in a suit, to serve papers issued by a court, unless delivery of the citation would require a sheriff or constable due to forcible entry, confiscation of property, persons, or things, or physical enforcement. The bill may result in a reduction in the amount of process served by sheriffs and constables. Consequently, there would likely be a decrease in revenue realized from the services of sheriffs and constables. This revenue is retained by the counties and is not directed to the State. Accordingly, no fiscal implication to the State is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members. Otherwise, the bill would take effect September 1, 2009.

**Local Government Impact**

The bill would result in a reduction in the number of processes served by sheriffs and constables; consequently, there would likely be a decrease in revenue realized from the services of sheriffs and constables. Brazoria County reported they process approximately 20 to 30 citations per week, at an estimated 1,040 per year. Constables in Brazoria County charge a fee of \$65 to \$125 per process, but the fees vary by county. Revenue collected for service of process is retained by the counties, and used to offset other expenses in their budget. The provisions of the bill could result in a negative fiscal impact to counties depending on the decreased number of service of process, and the fee charged by each county.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 307 Secretary of State

**LBB Staff:** JOB, MN, TP, TB