

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

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

**April 27, 2009**

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

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

**IN RE: HB4549** by Raymond (Relating to the criminal jurisdiction of the supreme court and the abolishment of the court of criminal appeals.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB4549, As Introduced: a positive impact of \$2,314,476 through the biennium ending August 31, 2011.

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
2010	\$991,918
2011	\$1,322,558
2012	\$1,322,558
2013	\$1,322,558
2014	\$1,322,558

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

Fiscal Year	Probable Savings from <i>General Revenue Fund</i> 1	Probable Savings from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2009
2010	\$991,918	\$279,772	(9.0)
2011	\$1,322,558	\$373,029	(9.0)
2012	\$1,322,558	\$373,029	(9.0)
2013	\$1,322,558	\$373,029	(9.0)
2014	\$1,322,558	\$373,029	(9.0)

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure and the Government Code relating to the criminal jurisdiction of the Supreme Court and the abolishment of the Court of Criminal Appeals. The bill would vest the powers, duties, and authority of that court with the Supreme Court of Texas. This analysis reflects a cost savings of \$1,695,587 in fiscal year 2010 and each year thereafter from salaries and benefits paid to the presiding judge and eight judges of the Court of Criminal Appeals (\$1,322,558 from General Revenue and \$373,029 from the Judicial Fund No. 573, reflecting a split of 78 percent to 22 percent between the two methods of finance). Also, this estimate assumes that any costs relating to combining court facilities, websites or other operating functions could be reasonably absorbed within existing resources for the two courts. This bill would take effect on the date the constitutional amendment abolishing the Court of Criminal Appeals and vesting that court's criminal jurisdiction in the Supreme Court takes effect.

## **Methodology**

The annual salary of a presiding judge of the Court of Criminal Appeals is currently \$152,500. Combined, the total annual cost of salary and benefits of the presiding judge is \$191,027 in All Funds (\$149,001 from General Revenue and \$42,026 from the Judicial Fund No. 573.) Combined, the total annual cost of salary and benefits for each of the eight judges of the Court of Criminal Appeals (the current annual salary is \$150,000) is \$188,070 in All Funds (\$146,695 from General Revenue and \$41,375 from the Judicial Fund No. 573). Together, these savings total \$1,322,558 from General Revenue [ $\$149,001 + (8 \times \$146,695) = \$1,322,558$ ] and \$373,029 from the Judicial Fund No. 573 [ $\$42,026 + (8 \times \$41,375)$ ].

For purposes of this analysis, it is assumed that the constitutional amendment abolishing the Court of Criminal Appeals would be adopted in November 2009. As a result, the savings in fiscal year 2010 from abolishing the Court of Criminal Appeals and transferring their responsibilities to the Supreme Court would be prorated (December through August or 9 out of 12 months), with a full year of savings in subsequent years.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

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

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