

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 31, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

IN RE: SB1070 by Wentworth (Relating to jury assembly and administration.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for SB1070, As Introduced: a negative impact of (\$318,000) 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	(\$318,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1
2010	(\$318,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

Fiscal Analysis

The bill would amend the Government Code, including repealing numerous sections, to change how jury lists are assembled and administered. Several requirements currently placed on the Department of Public Safety (DPS) would be removed, but this analysis assumes any savings to DPS would be minimal and would not represent a significant fiscal implication.

The Secretary of State (SOS) would be required to compile a master jury list for each county. Four times a year, the voter registrar would be required to furnish SOS in an electronic, down loadable format, a current voter registration list from all the precincts in the county that includes certain information.

Each Monday, each court clerk in a county would be required to submit to SOS a list of each person who has served as a petit juror in that county during the previous week and whose name should be

removed from the master jury list. SOS would be required to remove the name from the master jury list and return it to the list following the second anniversary of the date the name was removed, except it could be returned to the list earlier if the supreme court has approved a county plan authorizing a different amount of time for exemption from service.

SOS would be required to remove from the master jury list the names of convicted felons, deceased persons, and persons no longer residing in the county. The agency would be required to make the list available to each county in an electronic, down loadable format not later than the second Monday in January, April, July, and October of each year. This analysis assumes that the increased requirements for the SOS would result in one-time contract costs of \$318,000 in fiscal year 2010 to modify the agency's application for additional information required by the bill.

The bill would require the Texas Supreme Court to adopt rules to govern the use of the master jury list and the administration of jury panels. The bill provides certain procedures that would be required. The supreme court would also be authorized to adopt rules that allow the adoption of a written jury plan for a county. A plan adopted by a county must receive approval from the supreme court. Not later than December 1, 2009, the Texas Supreme Court would be required to adopt required rules take effect January 1, 2010. This analysis assumes any costs to the supreme court could be accomplished by the court utilizing its existing resources.

The proposed changes in law would apply to persons summoned for jury service on or after January 1, 2010. Except for provisions of the bill requiring adoption of supreme court rules, the bill would take effect September 1, 2009.

Methodology

An estimated 2,120 contractor program hours at \$150 per hour for a total cost of \$318,000 to modify an application at the SOS with the following requirements: 1) daily import on DPS driver's license or state identification, 2) modify live check process, 3) daily import of DPS' felon file, 4) weekly import of county information for people who served in jury pool, and 5) change jury wheel to a quarterly rather than annual basis.

Local Government Impact

The increased frequency for county voter registrars submitting information to the Secretary of State, the use of electronic, down loadable formats, and the added responsibilities for county clerks would create additional costs for counties. The costs would vary depending on current electronic capabilities a county already has in place and the size of the county's population.

The County and District Clerk Association of Texas estimates that counties would require additional staff to accomplish the requirements in the bill.

Harris County also estimates implementation would require additional staff, at a cost of \$237,800 the first fiscal year of implementation, along with one-time capital outlay costs of \$120,000 for the electronic needs. The county assumes costs could be higher, depending on rules set forth by the supreme court.

Bexar County also estimates adding one new staff person, at an annual cost of \$35,000.

Tom Green County estimates adding two new staff at an annual cost of \$75,000, and one-time initial capital outlay costs of \$5,500 for computer equipment.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 307 Secretary of State, 405 Department of Public Safety

LBB Staff: JOB, MN, DB, TB, BTA