

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 2, 2011**

**TO:** Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

**IN RE: HB2641** by Burnam (Relating to a civil action for deprivation of rights.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2641, As Introduced: a negative impact of (\$8,908,082) through the biennium ending August 31, 2013.

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>
2012	(\$4,604,037)
2013	(\$4,304,045)
2014	(\$4,304,045)
2015	(\$4,304,045)
2016	(\$4,304,045)

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

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund 1</b>	<b>Change in Number of State Employees from FY 2011</b>
2012	(\$4,604,037)	44.0
2013	(\$4,304,045)	44.0
2014	(\$4,304,045)	44.0
2015	(\$4,304,045)	44.0
2016	(\$4,304,045)	44.0

**Fiscal Analysis**

The bill would amend the Civil Practice and Remedies Code to provide that any person who claims that any right, privilege or immunity guaranteed by the Constitution or laws of Texas or the United States is violated by another person under color of law, statute, rule, ordinance, or policy of government, may sue for damages including exemplary damages or injunctive relief. The bill would also specifically allow suits against a judicial officer. Court costs and attorneys fees could also be awarded in such a suit.

**Methodology**

The Office of the Attorney General indicates that the provisions of the bill would result in a significant number of lawsuits for civil rights claims against state agencies and judges and would require an additional 44 full-time staff for a total of \$3,103,220 each fiscal year for salary and wages out of the

General Revenue Fund. Benefit costs associated with those positions would total \$864,557 each fiscal year out of the General Revenue Fund. Travel costs would total \$147,200 out of the General Revenue Fund for each fiscal year. Other operating costs, which include phones, furniture, computers, postage, and other consumable supplies would total \$489,060 in fiscal year 2012 and ongoing costs of \$189,068 in fiscal year 2013 and in subsequent years, out of the General Revenue Fund.

### **Local Government Impact**

There could be a significant fiscal impact to a political subdivision that would be liable for exemplary damages and court costs if a civil action was brought against the entity, but it would vary depending on the number of lawsuits brought against a political subdivision and the outcome of the suit.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

**LBB Staff:** JOB, JT, SD, TP, JM, TB