

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

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

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

IN RE: HB3475 by Gallego (Relating to the recusal and disqualification of municipal judges pursuant to the Code of Criminal Procedure.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to specify procedures for which a party in a hearing trial in a municipal court may file for the recusal or disqualification of a municipal judge. If the municipal judge is the presiding judge, a county judge would have authority in the process.

The bill would move certain sections specifying the duties of a city secretary from the Local Government Code to the Government Code.

The bill would repeal Section 29.012 of the Government Code.

The Office of Court Administration (OCA) reported the bill would not apply to judges who are paid by the State; thus, there would be no fiscal impact to the State. In addition, there would be no fiscal impact associated with the reporting requirement.

Local Government Impact

According to the analysis of OCA, some statutory and constitutional county court judges would assume the responsibility of hearing or appointing another judge to hear a motion to recuse or disqualify a municipal court judge; however, this should not result in an increase in compensation to these judges and these duties are not anticipated to significantly increase their current workload. In some instances, when a municipal court judge has been recused or disqualified and there is not another municipal court judge in the municipality who can hear the case, a person who is not already on the payroll of the municipality could be assigned to hear a case. However, this is already required under current law; therefore, no additional cost to the municipalities is anticipated.

Fort Bend County reported there would be no fiscal impact to implement the provisions of the bill.

The Nacogdoches Municipal Court reported the court would need to hire an additional employee resulting in a moderate fiscal impact.

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

LBB Staff: JOB, JT, TP, TB