

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**March 28, 2011**

**TO:** Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

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

**IN RE: SB376** by Wentworth (Relating to a fee collected for a jury trial in a civil case.), **As Introduced**

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

The bill would amend the Government Code to increase the jury fee for civil cases in district, county, and statutory county courts in which a person applies for a jury trial. The bill also would add a new jury fee for civil cases in justice and small claims courts in which a person applies for a jury trial. The jury fee in district court cases is changed from \$30 to \$75; the jury fee in county court and statutory county court cases is changed from \$22 to \$50; and the new jury fee in justice and small claims courts is \$25.

The bill would move various fees from other separate sections in the Government Code to the provisions that contain lists of fees in district, county, statutory county, and statutory probate courts.

The bill would amend Section 101.0811 of the Government Code to add three Bexar County Courts at Law to the list of county courts at law that would be authorized to tax the official court reporters fee as a cost in civil actions; and would remove a duplicative provision permitting County Court at Law No. 2 in Bexar County to tax a \$3 official court reporter fee as a cost in civil cases.

The bill would repeal sections of the Government Code related to court filing fees.

The Office of Court Administration reported no fiscal impact on the state's courts is anticipated. In addition, there is no change in the fee amounts; the fees are transferred to other sections of the Government Code. Therefore, the changes are not anticipated to have a fiscal impact on the state.

**Local Government Impact**

According to the Office of Court Administration (OCA), in district courts in fiscal year (FY) 2010, the jury fee was paid in 26,444 civil cases. Based on that figure, the increase in the jury fee would result in an additional \$1,189,980 in district courts across the state.

In county-level courts in FY 2010, a jury rendered final judgment in 911 civil cases. Based on that figure, the increase in the jury fee would result in an additional \$25,508 in county-level courts.

In justice and small claims courts in FY 2010, trial by jury was held in 1,652 civil cases. Based on that figure, the new jury fee in those courts would result in an additional \$41,300. The additional amounts from the increased and new jury fees (totaling \$1,256,788 based on FY 2010 figures) would be spread among counties.

Bexar, Hays and Llano counties reported the software change required to update county computers with the new fee information could be accomplished using existing resources.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public

Accounts

**LBB Staff:** JOB, JT, TP, JJO, TB