

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 9, 2011

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: SB480 by Hegar (Relating to certain appeals from judgments of municipal courts of record.),
Committee Report 2nd House, As Amended

No significant fiscal implication to the State is anticipated.

The bill amends the Code of Criminal Procedure and the Government Code relating to certain appeals of judgements of municipal courts of record. The bill provides that municipal court judgments appealed to county level courts may be appealed to courts of appeals if the fine assessed against the defendant exceeds \$100 and is affirmed in an appeal to the county court. The bill also provides that an appeal may be taken if the only issue is the constitutionality of the statute or ordinance on which the conviction is based. It is possible that the bill will result in an increase in the number of appeals filed in the courts of appeals, but it is difficult to determine the extent of the increase. However, it is not expected that the fiscal impact on the courts will be significant.

The bill would amend the Government Code 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, the regional presiding 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 and Section 22.073(c) of the Local Government Code.

The Office of Court Administration (OCA) reported the bill would provide that the hearings on motions to recuse or disqualify could be conducted by telephone resulting in a cost savings. The bill would clarify that the municipality in which the case is pending would be responsible for the payment of judges who are assigned to hear these motions and would provide the amount of compensation. However, this cost is not anticipated to be significant because telephone hearings are an option and most hearings would likely be conducted by telephone by the regional presiding judge or by an active judge who is not entitled to additional compensation; therefore, no significant fiscal impact to the state is anticipated.

The bill would take effect immediately if it receives a two-thirds vote from both houses, otherwise the bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 211 Court of Criminal Appeals, 212 Office of Court Administration, Texas Judicial Council

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