

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 5, 2015

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HJR90 by Raymond (Proposing a constitutional amendment to abolish the court of criminal appeals and establish one supreme court with civil and criminal appellate jurisdiction.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HJR90, As Introduced: a positive impact of \$2,828,651 through the biennium ending August 31, 2017.

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
2016	\$1,341,792
2017	\$1,486,859
2018	\$1,486,859
2019	\$1,486,859
2020	\$1,486,859

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2015
2016	\$1,341,792	\$418,389	(9.0)
2017	\$1,486,859	\$419,371	(9.0)
2018	\$1,486,859	\$419,371	(9.0)
2019	\$1,486,859	\$419,371	(9.0)
2020	\$1,486,859	\$419,371	(9.0)

Fiscal Analysis

The resolution proposes a constitutional amendment that would abolish the Court of Criminal Appeals and establish one Supreme Court with civil and criminal jurisdiction. The constitutional

amendment would require all appeals of cases in which the death penalty is assessed to be disposed by the Supreme Court and would permit the court to sit in panels of three Justices for the purpose of hearing criminal cases. The Court of Criminal Appeals pending caseload would be transferred to the Supreme Court on the amendment's effective date.

The resolution would be submitted to voters at an election to be held on November 3, 2015. If the resolution passes, then the constitutional amendment would take effect on January 1, 2016.

Methodology

The table above includes costs and savings based on the following analysis and assumptions.

Abolishment of the Court of Criminal Appeals would eliminate the need for the nine judges of the Court of Criminal Appeals. The Presiding Judge of the Court of Criminal Appeals has a salary of \$170,500 with estimated benefits of \$43,410 in fiscal year 2016 and \$43,906 fiscal year 2017. All of the eight judges of the Court of Criminal Appeals each have a salary of \$168,000 with estimated benefits of \$42,982 in fiscal year 2016 and \$43,478 fiscal year 2017. Therefore, elimination of these nine positions would result in total savings to the state of \$1,901,766 for fiscal year 2016 and \$1,906,230 in fiscal year 2017, or \$3,807,996 for the 2016-17 biennium. These savings would be split between General Revenue (78 percent of savings) and Judicial Fund No. 573 (22 percent of savings).

The constitutional amendment would not reduce the number of cases currently handled by the Court of Criminal Appeals and the court's pending caseload would be transferred to the Supreme Court. Therefore, because the Court of Criminal Appeals have positions with knowledge and expertise in criminal matters and the Supreme Court justices and staff have expertise in civil law, the Office of Court Administration estimates that all Court of Criminal Appeals positions and the court's operational expenses would need to be retained under a single highest appellate court system. In addition, the merger would create the need for technology expenses to combine the functionality of the separate court's case management systems (\$22,905 in General Revenue in fiscal year 2016).

Finally, the cost to the state for publication of the resolution is \$118,681 in General Revenue in fiscal year 2016.

Local Government Impact

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

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

LBB Staff: UP, FR, MW, GDz