

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 13, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB2640** by Thompson, Senfronia (Relating to grand jury proceedings; providing a penalty for contempt of court.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure and the Civil Practice and Remedies Code as it applies to grand jury proceedings. The bill would allow the attorney of a witness to remain in the grand jury room for the purpose of consultation. The bill would require that all grand jury proceedings other than deliberations be recorded. The bill would prohibit a person from being investigated a second time on the same charge by a grand jury if there is no new evidence. The bill would clarify that the prosecutor is obligated to present all exculpatory evidence to the grand jury. The bill would create a cause of action and waive government immunity if the state's position in the grand jury investigation was not substantially justified and was vexatious, frivolous, or taken in bad faith. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

**Local Government Impact**

According to the Office of Court Administration, there may be some cost to counties to record grand jury proceedings for all witnesses. The cost may be minimal if the county chooses to purchase an electronic recording system or more significant if the county chooses to use a stenographer. However, since counties have a choice of the two options, the cost is not anticipated to be significant.

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

**LBB Staff:** UP, KJo, PBO