

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 5, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2398 by Thompson, Senfronia (Relating to grand jury proceedings; providing a punishment for contempt of court.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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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

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

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

LBB Staff: WP, LBO, DA, PBO