

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 21, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3334 by Turner, John (relating to a criminal justice system sentencing database established by the Office of Court Administration of the Texas Judicial System.), **Committee Report 1st House, Substituted**

Fiscal Analysis

The bill would amend the Government Code to require the Office of Court Administration (OCA) to create and maintain a database to collect, compile, and analyze data regarding defendants who have been convicted of a Class B misdemeanor or higher category of offense. The bill would require OCA to compile certain data regarding each defendant and requires the clerk of each court in Texas to submit to OCA within a certain timeframe a written record of the data OCA is required to collect. The bill would require OCA to publish de-identified sentencing data from the information in the database on OCA's website in a modern, open, electronic format that is machine-readable and readily accessible by the public, free of charge.

The bill would require OCA to update the information on a monthly basis and requires the sentencing data to be searchable by the data elements prescribed for collection in the bill and the county and circuit in which a court is located. The bill would bar the published data from disclosing the name or identifying information of a defendant.

The bill would require OCA to submit a report to the governor and the legislature regarding the data compiled no later than September 1 of each even-numbered year. The bill would require OCA to create the database as soon as practicable after September 1, 2021, but does not require a court to submit information to OCA regarding sentencing that occurred before January 1, 2022.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2021.

Methodology

The Office of Court Administration (OCA) reports that it would need to modify its Court Activity Reporting Database, a legacy information technology system, to capture the required data. Due to the complexity of this system, OCA believes it would need a complete redesign of its reporting database to convert to case-level data collection as required by the bill. Based on the information provided by the OCA, this analysis assumes the cost for the system would include General Revenue funds totaling \$3,891,680 for start-up costs in fiscal year 2022 and \$3,000,000 each subsequent fiscal year for cloud storage costs.

This project would be eligible for funding from the General Revenue-Dedicated Statewide Electronic Filing Fund No. 5157. Based on information provided in the Comptroller's Biennial Revenue Estimate, this analysis assumes there would be sufficient funding available in the account in the 2022- 23 biennium to cover funding necessary to implement the provisions of the bill.

Local Government Impact

While there may be a cost to local governments to provide the data required due to modification of court case management systems, OCA anticipates that most clerks' case management contracts with vendors include provisions that do not require payment when there are state-mandated reporting changes. The cost will vary by jurisdiction due to these differences by county.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, MW, BH

Estimated Two-year Net Impact to General Revenue Related Funds for HB3334, Committee Report 1st House, Substituted : an impact of \$0 through the biennium ending August 31, 2023.

The bill would have a negative impact of (\$6,891,680) to General Revenue-Dedicated Statewide Electronic Filing System Account 5157 through the biennium ending August 31, 2023.

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:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from Statewide Electronic Filing System 5157
2022	(\$3,891,680)
2023	(\$3,000,000)
2024	(\$3,000,000)
2025	(\$3,000,000)
2026	(\$3,000,000)