

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

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 28, 2021**

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

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3774** by Leach (relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3774, Committee Report 1st House, Substituted : a negative impact of (\$3,658,373) through the biennium ending August 31, 2023.

**The Office of Court Administration is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.**

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>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$1,739,574)
2023	(\$1,918,799)
2024	(\$1,951,503)
2025	(\$1,951,503)
2026	(\$1,951,503)

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund</i>	<i>Probable Savings/(Cost) from Judicial Fund</i>	<i>Change in Number of State Employees from FY 2021</i>
	<b>1</b>	<b>573</b>	
2022	(\$1,739,574)	(\$579,858)	7.0
2023	(\$1,918,799)	(\$639,600)	7.9
2024	(\$1,951,503)	(\$650,501)	8.0
2025	(\$1,951,503)	(\$650,501)	8.0
2026	(\$1,951,503)	(\$650,501)	8.0

**Fiscal Analysis**

The bill would amend the Government Code to create 474th Judicial District (McLennan County), the 478th

Judicial District (Bell County), the 480th Judicial District (Williamson County), the 481st Judicial District (Denton County), the 482nd Judicial District (Harris County), the 484th Judicial District (Cameron County), and the Criminal Judicial District No. 5 of Tarrant County. The bill would require the 484th District Court to give preference to juvenile matters.

The bill would amend the Government Code to increase the amount the state reimburses counties with statutory probate judges from \$40,000 annually to an annual amount equal to 60 percent of the annual base salary of a district judge as set in the General Appropriations Act (\$84,000).

The bill would amend the Government Code to create Probate Court Number 2 of Denton County and to give County Court at Law 2 of Denton County jurisdiction over all civil causes and proceedings, regardless of amount in controversy for eminent domain, for statutory courts and direct and inverse condemnation cases. The bill would also create the County Court at Law No. 3 of McLennan County, County Court at Law No. 6 of Montgomery County and the County Court at Law No. 2 of San Patricio County.

The bill would amend the Government Code to create the Brazoria County Criminal Magistrate Court. Under the bill's provisions, the commissioners court of Brazoria County, upon recommendation of the local administrative district judge, could appoint one or more full- or part-time criminal magistrate judges to preside over the court for a term designated by the commissioners court. The bill would also authorize the local administrative district judge to make the appointment if the commissioners court is prohibited by law from doing so. The bill would set out the qualifications, powers and duties, and salary of the judges, as well as operating procedures.

The bill would add magistrates appointed by the Collin County Commissioners Court to the list in Sec. 4.01 of the Code of Criminal Procedure of courts that have jurisdiction in criminal actions. The bill would also repeal the salary cap on the salaries of full-time criminal law magistrates in Tarrant County.

The bill would amend the Government Code to modify the requirements of the Capital and Forensic Writs Committee, which would add setting policy for the Office of Capital and Forensic Writs; developing a budget for the agency and prohibiting access to privileged or confidential information. The bill would expand the committee from five to seven members and transfers responsibility of appointing three attorneys on the committee to the Director of the Texas Indigent Defense Commission; two attorneys to be appointed by the president of the State Bar; and two attorneys to be appointed by a majority of the deans of the public law schools in Texas; and sets eligibility requirements.

The bill would amend the Family Code to require the clerk of court to send certain transferred documents through the electronic filing system when the transfer is ordered by a court. The bill would require the OCA to adopt rules setting out which documents are to be transferred and to develop a standardized transfer certificate and index of transferred documents form.

The bill would amend the Code of Criminal Procedure to allow a habeas corpus applicant to serve a copy of the application for writ of habeas corpus to the state attorney by secure electronic mail the attorney has on file with the electronic filing system or another form of secure electronic transmission.

The bill would amend Sec the Civil Practice and Remedies Code to require the citation for receivership to be published on the public information internet website maintained by OCA, except as provided by Section 17.032.

The bill would amend the Code of Criminal Procedure to require the Forensic Science Commission to adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated under this article, publish the code of professional responsibility, adopt rules establishing sanctions for code violations update the code of professional responsibility, as necessary.

The bill would amend the Government Code to give a juror an option to direct the county treasurer to donate a specified amount of a person's daily jury reimbursement to a veterans court treatment program or a veterans county service office.

The bill would amend the Government Code to permit a judge or magistrate of a district court or statutory county court authorized to hear criminal cases to be appointed to preside over a regional specialty court

program if approved by the local administrative district and statutory county court judges of each county participating in the program or another approval method selected by the judges and the presiding judges of each of the administrative judicial regions in which the participating counties are located sign an order granting the appointment.

The bill would amend the Government Code to clarify and add protective orders that must be included in the protective order registry maintained by OCA to include those issued by a court in this state under Chapter 83 or 85, Family Code under Subchapter A, Chapter 7B, Code of Criminal Procedure. The bill would require clerks to remove from the registry protective orders that have been vacated.

The bill would take effect September 1, 2021. The 480th Judicial District would be created on October 1, 2022. The County Court of Law No 2 of San Patricio County would be created January 1, 2023.

## **Methodology**

Costs reflected in the tables above are based on analysis provided by the Comptroller of Public Accounts, Office of Court Administration (OCA) and the Office of Capital and Forensic Writs (OCFW).

Biennial costs for the bill include salaries for seven district judges and related benefit costs, salary reimbursement for the statutory probate court judge, salary reimbursement for a statutory county court judge, as well as costs associated for seven visiting judges for the newly created district courts.

Personnel costs for the judicial districts created by the bill are based on the current base salary for a district judge (\$140,000) as set forth in the General Appropriations Act, Article IV. The bill would create six new district courts as of the effective date and one as of October 1, 2022. Salary costs for these positions would total \$840,000 in fiscal year 2022; \$968,800 in fiscal year 2023; and \$980,000 in subsequent years. Operating and payroll related benefit costs for these positions would total \$351,432 in fiscal year 2022; \$405,318 in fiscal year 2023; and \$410,004 in subsequent years.

The state currently contributes \$40,000 per year for each statutory probate court. Under the bill's provisions, that amount would increase to \$84,000 per year. There are currently 19 statutory probate courts that would receive the \$44,000 increase in addition to Probate Court Number 2 of Denton County, which is created by the bill and would receive the full \$84,000. Costs for the state's contributions to statutory probate courts under the bill's provisions would total \$876,000 each year.

The state also contributes 60 percent of a district judge's base pay of \$140,000 (\$84,000) for a county court at law judge. The bill would create three county courts at law as of the effective date of the bill and one more as of January 1, 2023. State costs for these positions would total \$252,000 in fiscal year 2022; \$308,280 in fiscal year 2023; and \$336,000 in subsequent years.

Based on information provided by OCA and the OCFW, this analysis assumes that the remaining duties and responsibilities assigned to OCA, OCFW, and the Forensic Science Commission to implement the provisions of the bill could be accomplished utilizing existing resources.

## **Local Government Impact**

Local governments pay operating costs associated with district courts and county courts at law, such as office space, computer equipment, furniture, and court staff. The appointment of the Brazoria County Criminal Law Magistrates is discretionary with the commissioners court, and OCA assumes that the county will only do so if sufficient resources are available.

**Source Agencies:** 212 Office of Court Admin, 215 Ofc of Capital and Forensic Writs, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, SLE, MW, BH